

eight and forty-two, the rates payable in respect of any land may be altered from time to time as the Chief Commissioner may direct.

26. Any person in possession of any culturable land which is liable to be assessed to land-revenue, may apply to the revenue officer to make a settlement with him of such land.

If such person appears to have a permanent heritable and transferable right of use and occupancy in the land, the revenue officer shall offer him a settlement of the nature hereinafter described.

If such person does not appear to have such a right, it shall be in the discretion of the revenue officer to offer or refuse such settlement.

27. The settlement offered to the applicant may be either—

(a)—a settlement of a single annual sum payable in respect of the whole land, or

(b)—a settlement of certain annual rates per acre or other superficial measure of land.

In either case the settlement may provide that, for any additional land situate within certain local limits which the applicant may cultivate (not being land acquired by him by transfer or succession), he shall not be required to pay during the continuance of such settlement any revenue whatever or any revenue in excess of rates fixed thereby for such additional land.

The Chief Commissioner shall by rules determine the cases in which each of the said descriptions of settlement shall be offered, and the general principles on which the amount or rate of the revenue payable thereunder shall be fixed.

Subject to such rules, the nature and stipulations of the settlement to be offered in each case shall be in the discretion of the revenue officer.

28. When a settlement of any land offered under sections twenty-six and twenty-seven has been accepted, neither the person on whose application such settlement has been made, nor any person succeeding him in possession of the land by transfer or succession, nor any person holding under him or under a person so succeeding him, shall, during the term of such settlement, be held liable to pay any revenue in respect of such land beyond that fixed by the settlement.

But no person shall be deemed to have acquired any right to or over any land, as against any other person claiming rights to or over the same land, merely on the ground that a settlement of such land has been made on his application, or on the application of some person through whom he claims.

29. The settlement shall be made for such term as the Chief Commissioner may from time to time by rule direct.

The settlement of any land shall terminate at the close of any year of assessment prescribed under section forty-one, if the person in possession of such land, and entitled under section twenty-eight to the benefit of such settlement, not less than three months before the close of such year presents to the revenue officer a notice in writing declaring that he desires to rescind the settlement, and at the same time pays to him all reve-

nue payable in respect of the said land to the close of such year.

If any such person omits to give the notice and make the payment required by this section, he shall continue liable for the revenue payable from time to time under the settlement, although he may have relinquished possession of the land.

30. If the term for which a settlement of any land has been made elapses before a new settlement thereof is made, any person who was entitled to the benefit of the expired settlement at the time of its expiration and continues in possession of such land, and any person holding under him or claiming through him without an interruption of possession, shall be entitled to the benefit, and be bound by the stipulations, of the expired settlement until a new settlement of such land is made.

Provided that the said stipulations shall cease to be in force at the close of any year of assessment as aforesaid, if the person in possession, not less than three months before the close of such year, presents to the revenue officer a notice in writing requiring that they should so cease.

B.—Of the five per cent. cess.

31. On all lands assessed to land-revenue there shall be levied, in addition to the land-revenue assessed thereon, an annual cess of five per cent. on the amount of such revenue.

Nothing in this section applies to lands included in towns to which the British Burma Municipal Act, 1874, shall have been extended.

32. The cess so levied in each district shall form a fund to be called the "Five per cent. Cess Fund," and shall be appropriated in that district, in such proportions as the Chief Commissioner may from time to time by notification direct, to all or any of the following local objects, namely,—

- the construction and maintenance of district roads;
- the promotion of education;
- the maintenance of a local postal service;
- the maintenance of a village police.

C.—Of the Toungya tax.

33. The Chief Commissioner may direct that, in lieu of the revenue assessable on any land under Toungya cultivation, there shall be collected an annual tax, either on each male person who has completed his age of eighteen years, or on each family of persons, taking part in the cultivation of such land at any time during the year of assessment as fixed under section forty-one.

The rates of such tax may be fixed from time to time by the Chief Commissioner, but shall not exceed the following, that is to say,—

- on each male cultivator, two rupees;
- on each family of cultivators, two rupees.

D.—Of the Capitation-tax and the Land-rate in lieu thereof.

34. A capitation-tax shall be payable by all males between the ages of eighteen and sixty years, at such rates as the Chief Commissioner may from time to time by notification direct:

Provided that such rates shall not exceed the following, that is to say,—

on married men, five rupees a year;

on men, who have no wives, two rupees eight annas a year:

Provided also that this tax shall not be payable—

(a) by the residents of any of the towns mentioned in the schedule hereto annexed;

(b) by the residents of any other town on which the Chief Commissioner may impose a land-rate under section thirty-five.

35. In the towns mentioned in the schedule hereto annexed, and in such other towns as the Chief Commissioner may from time to time by notification direct, there shall be levied, instead of the capitation-tax, an annual rate upon land, to be fixed from time to time by the Chief Commissioner by notification, but not to exceed the following, that is to say,—

on land covered with buildings, one pie and a half per square foot;

on land not covered with buildings, three rupees per acre.

The boundaries of the towns in which such rate is leviable shall be fixed from time to time, for the purposes of this section, by the Chief Commissioner by notification, and may be so fixed as to include any suburbs of such towns.

Explanation.—The rate leviable on any land under this section shall be in addition to any land-revenue payable thereon.

36. The Chief Commissioner may, by notification,—

(a) exempt any person or class of persons, or the residents of any particular locality, from the payment of capitation-tax;

(b) exempt any lands, or any class of lands, throughout the province or in any part thereof, from land-rate in lieu of capitation-tax;

(c) revoke any such exemption.

E.—Of personal liability for certain Revenue and Taxes.

37. The amount payable on account of revenue, five per cent. cess, or land-rate in lieu of capitation-tax on any land for any year of assessment shall be due jointly and severally from all persons who have been in possession of such land at any time during such year, and all persons who have held under them as tenants, mortgagees or conditional vendees.

38. When a tax per family of cultivators of any land is imposed, the amount due for any year of assessment from each family shall be due jointly and severally from all males of such family who at any time during such year, being then above the age of eighteen years, took any part in the cultivation of such land.

F.—Of the Manufacture of Salt, and of Licenses to prepare and collect Cutch, Beeswax, &c.

39. The Chief Commissioner may from time to time make rules—

(a) for granting licenses to manufacture salt;

(b) for imposing on all salt manufactured a duty imposing salt-duty; at a rate not exceeding the rate of customs-duty for the time being payable on salt imported by sea;

(c) for compounding with any holder of a license for the payment by him of an annual sum assessed upon the plant employed by him, in lieu of the duty which would be payable by him under clause (b) on the salt produced with the aid of such plant.

Penalty for manufacturing or storing salt without a license. Any person who, without a license for the time being in force,—

(d) engages in the manufacture of salt;

(e) owns works for the manufacture of salt; or

(f) stores salt exceeding such quantity as the Chief Commissioner may from time to time by notification fix in this behalf;

shall be liable on conviction before a Magistrate to a fine not exceeding fifty rupees, and to a further fine of ten rupees for every day after a first conviction under this section in which he continues such manufacture or storage:

And all salt in respect of which a conviction under this section has taken place, and all materials and implements used for the purpose of manufacturing such salt, shall be liable to confiscation by order of the convicting Magistrate.

40. The Chief Commissioner may from time to time make rules—

(a) for granting licenses to prepare or collect, or farms of the right of preparing or collecting, cutch, beeswax, honey, lac, cardamoms and other forest-produce or edible birds' nests, upon land over which no person has a right of either of the classes specified in clauses (a) and (c) of section six:

(b) for fixing the amount of fees to be charged in respect of such licenses or farms.

G.—Miscellaneous.

41. The year of assessment of any revenue, cess, rate, tax or fee leviable under this Part shall commence on such day of the calendar year as the Chief Commissioner may from time to time by rule prescribe.

42. Notwithstanding anything contained in this Part, no enhancement made in any such revenue, rate, tax or fee shall take effect until the commencement of the year of assessment following that in the course of which it is made.

PART IV.—OF ARREARS AND THE MODE OF RECOVERING THEM.

43. Every sum payable under this Act on account of any revenue, tax, cess, rate, fee, duty or composition, shall fall due on such date, and shall be payable at such place and to such person, as the Chief Commissioner may from time to time by rule direct.

44. When any such sum has fallen due, and a written notice of demand "Arrear" and "default" defined. for it has been served on any one of the persons liable for it or published in such manner as the Chief Commissioner may from time to time by rule direct, and ten days have elapsed from the service or publication of such notice without such sum having been paid, such sum shall be deemed to be an arrear; and every person liable for it shall be deemed to be a defaulter.

45. An arrear may be realized as if it were the amount of a decree for money passed against the defaulter in favour of any revenue officer whom the Chief Commissioner may from time to time appoint in this behalf by name or as holding any office.

Proceedings with a view to the realization of such arrears may be instituted by such officer before any other revenue officer whom the Chief Commissioner may from time to time appoint by name or as holding any office, and except in so far as the Chief Commissioner may otherwise by rule direct, such other officer may exercise all the powers conferred on, and shall conform to all rules of procedure prescribed for, a court executing a decree by the Code of Civil Procedure:

Provided that—

except when execution is applied for against a defaulter who has absconded or who is reasonably believed to be about to abscond,

the officer before whom proceedings are instituted under this section shall, before issuing any process of execution against a defaulter, cause a notice to be served on him in the manner prescribed for the service of summons on defendants in civil suits, requiring him either to pay the amount of the arrear or to appear on a day fixed in the notice and show cause why such amount should not be realized from him.

If on the day so fixed such amount has not been paid and the defaulter does not appear, or appearing fails to show cause as aforesaid, the said officer may order the process to issue forthwith.

46. Instead of, or in addition to, the proceedings which may be instituted under section forty-five, a revenue officer empowered in this behalf by the Chief Commissioner may, when the arrear is one of land-revenue, five per cent. cess, or land-rate in lieu of capitation-tax, proceed against the land on which such arrear has accrued as next hereinafter provided.

47. If such officer finds on enquiry that there exists any permanent heritable and transferable right of use and occupancy in the land, he may sell by public auction such right in the whole of the land, or in such portion thereof as he may deem sufficient, for the realization of the arrear.

The proceeds of such sale shall be applied in the first place in liquidation of the arrear, and in the event of there being any surplus remaining, the revenue officer shall, if he is satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person, and if he is not so satisfied, shall hold the amount in deposit for the person who may ultimately succeed in due course of law in establishing his title thereto.

48. The purchaser at a sale held under section forty-seven shall be deemed to have acquired the right offered for sale, free from all encumbrances created over it and from all subor-

dinate interests derived from it, except such as may be expressly reserved by the revenue officer at the time of sale.

49. If the revenue officer proceeding against the land finds on enquiry that no permanent heritable and transferable right of use and occupancy exists therein, he may, by proclamation published on the land in such manner as the Chief Commissioner from time to time by rule directs, declare that he has taken possession of such land on behalf of the Government and may summarily eject any person found in occupation thereof.

50. When a proclamation is published under section forty-nine in respect of any land over which any private rights of any description exist, such land shall be deemed to have been, from the date of such proclamation, vested in the Government free from all such rights as have not been expressly reserved by the terms of such proclamation.

51. All costs of any proceeding under this Act for the recovery of an arrear may be recovered as if they formed part of such arrear.

52. If a revenue officer has reason to believe that a revenue officer subordinate to him who has collected any sum due under this Act has absconded or is about to abscond without accounting for such sum, he may issue a warrant for the apprehension of such subordinate officer and proceed against him or cause proceedings to be instituted against him as if he were a defaulter in the amount so collected.

53. Any person who has become liable for any amount as surety for a defaulter or revenue officer may be proceeded against as if he himself were a defaulter in such amount.

PART V.—MISCELLANEOUS.

54. A revenue officer may, by a notice in writing duly served in accordance with rules to be made under this Act, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary-marks sufficient for defining the limits of such land, or to repair any such boundary-marks already existing; and if such person fails to comply with his requisition within a period to be specified in the notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of the land.

55. Appeals shall lie from orders and decisions given under any provision of this Act, in such cases, to such officers, and subject to such limitations as to time, and such other conditions, as the Chief Commissioner may from time to time by rule determine.

Provided that decisions by an officer of a grade lower than that of a Commissioner of a Division in or on the following matters, claims and questions shall not be final (namely):

(a) matters disposed of by revenue officers under section five, section ten and sections twelve to seventeen inclusive, except orders as to the value of improvements;

(b) claims to occupy or resort to lands under sections nineteen, twenty and twenty-one, and disputes as to the use or enjoyment of such lands between persons permitted to occupy or resort to the same;

(c) questions as to whether any land or any person is liable to be assessed to any revenue, cess, tax or rate;

(d) questions as to the mode or principle of assessment of any revenue, cess, tax or rate, or as to the amount assessed;

(e) questions as to the right to a settlement of land-revenue, or the nature or term of the settlement to be offered;

(f) questions as to the validity or effect of any settlement, or as to whether the conditions of any settlement are still in force;

(g) questions as to the liability of any person under sections thirty-seven and thirty-eight;

(h) questions as to whether any revenue, cess, tax or rate is in arrear;

(i) questions as to the legality of any process issued under section forty-five;

(j) questions as to the validity of a sale under section forty-seven, or as to the effect of a proclamation under section forty-nine:

Provided also that in all cases the Chief Commissioner shall have power to call for and review the proceedings, if he thinks fit to do so, and pass such order thereon consistent with the provisions of this Act as he thinks fit.

56. Except as hereinbefore expressly provided, no civil Court shall exercise jurisdiction as to any of the following matters (namely):—

(a) matters, claims and questions mentioned in the first proviso to section fifty-five;

(b) claims to any office connected with the revenue administration, or to any emolument appertaining to such office, or in respect of any injury caused by exclusion, suspension, or removal therefrom;

(c) claims to have allotments made under section twenty or section twenty-one and objections to the making of such allotments;

(d) claims to a remission or refund of any revenue, cess, tax, rate, fee, duty or composition payable or paid under this Act;

(e) questions as to the right to, or amount of, any compensation for improvements awardable under section thirteen.

57. The Chief Commissioner may, subject to any restrictions from time to time imposed by the Governor General in Council, invest any revenue officer by name or as holding any office with any of the following powers, in addition to the powers directly conferred on revenue officers by this Act, to be exercised by him in any part of British Burma or in any class of cases in any such part:—

(a) power to enter upon any land and to survey, demarcate or make a map of the same;

(b) power to cut and thresh the crop on any land and weigh the grain with a view to estimating the capabilities of the soil;

(c) any power exercised by a civil Court in the trial of suits;

(d) power to delegate the exercise of any power, or the performance of any duty, to a subordinate revenue officer;

(e) power to review any decision or order given by a revenue officer which is not open to appeal or from which, if open to appeal, no appeal has been preferred;

(f) power to call for the proceedings of any subordinate revenue officer and review any order or

or from which, if open to appeal, no appeal has been preferred.

58. In addition to the other matters for which the Chief Commissioner is empowered to make rules by this Act, he may from time to time make rules—

(a) for the assessment and collection of all revenue and of every cess, tax, rate, fee, duty and composition leviable under this Act;

(b) to determine the person by whom, and the time, place and manner at or in which, anything to be done under this Act, and for which no express provision is made in these respects, shall be done; and generally to regulate the procedure of revenue officers in all cases;

(c) to provide for the investigation by the higher revenue officers of charges of misconduct preferred against revenue officers of lower grade;

(d) to determine the fees to be charged for the service of process issued under this Act, and the mode in which such fees shall be realised;

(e) to regulate the costs in all proceedings before revenue officers, and to provide for their realisation as if they were arrears of land-revenue;

(f) as to making advances of money to agriculturists for the purchase of seed and cattle, for the construction, maintenance and repair of dwelling-houses and other buildings, and for other such purposes not coming within the scope of the Land Improvement Act, 1871;

(g) for the recovery of advances made under clause (f) of this section, from the persons to whom they were made or their legal representatives; and

(h) generally to carry out the provisions of this Act.

59. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

60. All rules made by the Chief Commissioner under this Act shall, when sanctioned by the Governor General in Council, be published in the *British Burma Gazette*, and shall thereupon have the force of law.

61. The Chief Commissioner shall at least once in every three years cause all rules for the time in force under this Act to be arranged in some convenient order, according to their subject-matter consolidated, and, where necessary, amended.

The rules so arranged, consolidated and amended shall, after being sanctioned by the Governor General in Council, be published in the *British Burma Gazette*, and upon such publication all previous rules under this Act shall cease to be in force.

SCHEDULE.

(See sections 34 and 35).

Towns in which land-rate in lieu of capitation-tax is levied:—

Rangoon.	Prome.
Bassein.	Toungoo.
Thayetmyoo.	Akyab.

Kyaukpoo.

WHITLEY STOKES,

Secy. to the Govt. of India

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th January 1876, and is hereby promulgated for general information :—

ACT No. III of 1876.

BRITISH BURMA LABOUR LAW, 1876.

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An Act to regulate the transport of Native labourers to British Burma, and their employment therein.

WHEREAS it is expedient to regulate the transport of Native labourers to British Burma, and their employment therein under contracts of service; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The British Burma Labour Law, 1876:"
Short title.
It extends to the whole of British India;
Local extent.
And it shall come into force at once.
Commencement.
2. Madras Act No. V of 1866 (*to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Port St. George, for labour to be performed in any part of India beyond the territorial limits of the Presidency of Madras*) is repealed as to engagements hereafter made in the Presidency of Madras for labour to be performed in British Burma and as to the emigration of Natives of India from such Presidency to British Burma.
Repeal of Madras Act No. V of 1866, so far as it affects British Burma.
3. In this Act, unless there be something repugnant in the subject or context—
Interpretation-clause.
"Chief Commissioner" means the Chief Commissioner of British Burma;
"Chief Commissioner."
"Emigrants" and "emigration" respectively mean emigrants and emigration under this Act;
"Emigrants."
"Magistrate" means a Magistrate of a district or of a division of a district, or any Magistrate deputed by the Magistrate of the district for the control of

emigration or labourers, or any Magistrate of Police for a Presidency Town :

"Immigrant" means any emigrant who has gone to British Burma in accordance with a contract made under the provisions of this Act.

PART II.

OF EMIGRATION.

Emigration Agents, Medical Inspectors and Depôts.

4. At every port of embarkation the Chief Commissioner shall, with the consent of the Local Government, appoint an Emigration Agent, to whom such remuneration shall be assigned as the Government of India may from time to time direct. Such Agent may be suspended or removed at the pleasure of the Chief Commissioner.

At every such port the Local Government shall appoint a competent person to be Medical Inspector of Emigrants, and such remuneration shall be assigned to him as the Governor General in Council may from time to time direct. Such Medical Inspector may be suspended or removed at the pleasure of the Local Government.

5. Every such Emigration Agent and Medical Inspector shall be a public servant within the meaning of the Indian Penal Code.

6. In addition to the special duties hereinafter assigned to him, every such Emigration Agent shall—

- (a) protect and aid with his advice all emigrants;
- (b) cause, so far as he can, all provisions of this Act to be complied with;
- (c) inspect on arrival all vessels bringing return emigrants to the port at which he is Agent;
- (d) receive and enquire into the complaints (if any) of the treatment of such emigrants during the voyage and (if necessary) report thereon to the Local Government;
- (e) aid and advise such returned emigrants when requested by them to do so.*

7. Every Emigration Agent, and all persons in charge of, or employed in, any depôt or in any vessel licensed to carry emigrants as hereinafter provided, shall give the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford him all such information as may be reasonably required by him.

8. At each port of embarkation the Emigration Agent shall establish a suitable depôt for emigrants.

Recruiters.

9. Each Emigration Agent shall license as many fit persons (whether servants of Government, of individuals or of companies) as he thinks necessary to be recruiters of labourers for British Burma.

Every recruiter shall be licensed to obtain labourers from one or more districts to be named in the license.

10. The license granted to a recruiter, under section nine, may be in the form set forth in Schedule A hereto annexed.

No license shall be in force for a longer period than one year, and in case of misconduct on the part of the recruiter the Emigration Agent may cancel his license before the expiration of the period for which it was granted.

11. A recruiter shall not be deemed to have obtained authority in any place other than a Presidency Town to engage or attempt to engage a Native of India to become an emigrant until his license has been countersigned by the Magistrate of the district or of the division of the district, or to have obtained such authority in any Presidency Town until his license has been countersigned by the Commissioner or Deputy Commissioner of Police.

12. No such officer shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any officer who has countersigned a license afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every such officer refusing to countersign a recruiter's license, or cancelling his signature, shall, without delay, report his refusal or cancellation and the grounds of it to the Emigration Agent to whose authority the recruiter is amenable.

Contracts and Registration and Journey to Depôts.

13. Any person desiring to emigrate under this Act may enter into a contract with a recruiter to proceed to British Burma and there serve for a fixed period of not more than three years from the date of his arrival at the port of debarkation.

Every such contract shall be in writing and shall specify—

- (a) The recruit's term of service;
- (b) The number of days and hours which he is to work per week;
- (c) His monthly wages in money;
- (d) The persons (if any) intending to accompany him as his dependents;
- (e) Where the contract is made on behalf of a particular employer, the name of such employer.

The monthly rate of wages shall in no case be less than seven rupees for an able-bodied male labourer.

No recruit shall be required to work more than six days in one week, or more than six consecutive hours, or more than nine hours a day. The obligation to provide on holidays for the care of

animals, and the necessities of daily life, shall not be considered as work.

No deduction shall be made from the wages of a recruit on account of the rest for one day in each week.

No emigrant shall be bound by the provisions of this Act unless he has entered into a contract in accordance with this section.

14. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before the Civil Surgeon of the district or such other medical officer as the Local Government appoints in that behalf or, in default of such appointment, before such medical officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to British Burma and to work there.

If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to British Burma; and the medical officer shall examine the dependents and shall give or refuse certificates according to his opinion as to their fitness and ability.

Certificates shall be in the form set forth in Schedule B hereto annexed, and the recruiter shall pay to the medical officer such fee for each person examined as the Local Government may from time to time prescribe.

15. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district or Presidency Town within which the contract with the recruit was entered into.

16. The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract,

and if it appears that the recruit understands the nature of the contract he has entered into as regards the particulars specified in section thirteen, and that he is willing to fulfil the same, the Magistrate shall register—

(a) the name, the father's name, and the age of such recruit:

(b) the name of the village or place in which he resides:

(c) the port of embarkation to which it is intended that he shall proceed:

(d) the several particulars specified in the instrument of contract made under section thirteen.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of his contract, or has been induced to enter into it by fraud or misrepresentation, he shall refuse to register him, and record his reasons for such refusal.

17. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

If the Magistrate is satisfied as to the said dependence and willingness, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

18. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections sixteen and seventeen.

Such copy is hereinafter called "the emigrant's instrument" or the "immigrant's instrument."

Another authenticated copy of the matters so registered, together with the original certificate of the medical officer, shall be forthwith forwarded by the Magistrate to the Emigration Agent at the port of embarkation to which the emigrant is about to proceed.

For each registration of a recruit under this Act, the recruiter shall pay to the officer making it a fee of eight annas.

19. When the registration under this Act is completed, the emigrant and his dependents may be moved to the depôt at their port of embarkation.

20. The recruiter himself, or a competent person appointed by him with the approval of the Magistrate by whom such emigrants have been registered, shall accompany and take care of all emigrants and their dependents while journeying to the depôt.

The Magistrate shall give to every person so appointed a certificate under his signature, stating that he has been appointed to accompany and take care of certain emigrants during their journey to the depôt.

Every recruiter by whom any emigrant or dependent is forwarded to a depôt shall, throughout the journey, provide him with proper and sufficient food and lodging.

21. Whoever, being a duly licensed recruiter, removes for the purpose of emigration any recruit before the completion of such registration as aforesaid;

and whoever by means of intoxication, violence, fraud, false pretences or misrepresentation induces any Native of India to enter into a contract for labour to be performed in British Burma, or to proceed to or towards any seaport for the purpose of proceeding to British Burma without having entered into any contract;

and whoever wilfully neglects to supply any emigrant or dependent under his care with proper and sufficient food and lodging, or otherwise ill-

treats such emigrant or dependent on his journey to the depôt;

and whoever forwards, sends or conveys any such emigrant or dependent with intent to contravene the provisions of this Act;

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Procedure on arrival of Emigrants at Depôt.

22. The Emigration Agent shall, within twenty-four hours after the arrival at the depôt of any emigrant, give to the Medical Inspector notice in writing of such arrival.

23. The copy of the matters so registered and the medical certificate of every emigrant forwarded to the Emigration Agent as provided by section eighteen, shall be shown to the Medical Inspector at the port of embarkation, and all emigrants and their dependents shall be examined by the Medical Inspector immediately after he receives notice of their arrival at the depôt.

24. The Medical Inspector of Emigrants shall also, at least once in every week, inspect the emigrants in the depôt, and examine into the state of the depôt and the manner in which the emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

25. It shall be the special duty of the Medical Inspector to take care that no emigrant or dependent is suffering from any disease calculated to be dangerous to his neighbours, and to isolate or to exclude from the depôt and from embarkation persons who are so suffering.

Any person so suffering may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

26. If the Medical Inspector has reason to think that any emigrant is in such a state of health that his journey to British Burma, or detention in the depôt, would be dangerous to himself or others, or that he is unfit for labour in British Burma, he shall so certify to the Emigration Agent; and in case any emigrant is in such a state of health as aforesaid, the Emigration Agent shall pay to such emigrant such sum as is necessary to enable him to return to the place at which he was registered:

And any emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake such journey, shall be entitled to be fed, lodged and attended to at the port of embarkation at the expense of the Emigration Agent, until he is reported by the Medical Inspector fit to undertake such journey.

27. If a dependent has accompanied such emigrant, the Emigration Agent shall pay such sum as is necessary to enable him to return to the place at which he was registered, as well as to feed and lodge him during the detention (if any) of the emigrant in the depôt.

28. If the Medical Inspector sees reason to think that any dependent is in such a state of health that his journey to British Burma or his detention in the depôt would be dangerous to himself or others, he shall so certify to the Emigration Agent; and thereupon the emigrant to whom such dependent is attached shall be entitled, if he so wishes, to return as if he himself had been certified to be unfit to proceed under section twenty-six.

If the emigrant still desires to proceed, then the dependent shall be kept and be returned to the place at which he was registered as if he were an emigrant falling under section twenty-six.

29. If the Medical Inspector sees no reason to certify in the manner provided in section twenty-six or section twenty-eight of any emigrant or dependent, he shall countersign the copy of the emigrant's instrument which is in the possession of the Emigration Agent.

30. If, upon the arrival of any emigrant or dependent at the depôt, it appear that he has suffered any ill-treatment, or that the recruiter has failed to provide him with proper and sufficient food and lodging during the journey to the depôt, the Local Government or such officer as it may from time to time appoint in this behalf may order the Emigration Agent to pay him a reasonable sum by way of compensation.

31. When the copy of an emigrant's instrument has been countersigned by the Medical Inspector under section twenty-nine, the Emigration Agent shall ratify the contract into which the emigrant has entered, by countersigning the emigrant's instrument and the authenticated copy thereof forwarded to the Emigration Agent under section eighteen.

32. A copy of every such instrument shall be entered in a register to be kept by the Emigration Agent for the purpose, and a copy of such entry authenticated by himself shall be forwarded by him to the Immigration Agent at the port of debarkation.

33. Any emigrant who, without reasonable cause, refuses to produce his instrument when required by the Emigration Agent, or in any respect to comply with the terms of his contract, shall be punished with a fine equal in amount to the cost incurred in engaging, registering and conveying him to the depôt, and in default of payment of such fine with imprisonment which may extend to two months, and such emigrant may forthwith be discharged from the depôt.

A certificate signed by the Emigration Agent that reasonable cause for refusing to produce the emigrant's instrument has not been shown, shall be admissible as *prima facie* evidence in any proceeding taken under this section.

A certificate signed by the Emigration Agent, stating the cost incurred in engaging, registering and conveying the emigrant to the depôt, shall be conclusive evidence of the amount of such cost.

Every fine levied under the provisions of this section shall be paid to the Emigration Agent.

34. If within thirty days after the arrival at a depôt of any emigrant, the Emigration Agent does not offer to ratify such contract in manner aforesaid,

Procedure if Agent neglects to ratify contract.

or if the Emigration Agent, without the consent of the Local Government, refuses to be bound by the contract made with the emigrant,

the Local Government, or such officer as it may from time to time appoint in this behalf, may order the Emigration Agent to pay to such emigrant such sum of money as is necessary to enable him, together with the dependents (if any) upon him, to return to the place where he was registered, and also to pay him a reasonable sum by way of compensation, and in such case the emigrant shall be released from his contract.

35. When the contract, not being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma, and there to labour according to the terms of his contract in any place and mode which, consistently with such terms and with the provisions of this Act, the Chief Commissioner or any officer appointed by him in that behalf may from time to time direct.

Consequence of ratification.

When the contract, being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma and there to labour for such employer; and such employer shall be bound to repay to the Immigration Agent all expenses incurred under this Act in respect of the immigrant and his dependents up to the time when the immigrant is delivered to his employer.

Emigrant vessels and embarkation of Emigrants.

36. When the contract of any emigrant has been duly ratified as aforesaid, he may be forwarded to British Burma, together with his registered dependents (if any).

When contract is ratified, emigrant may be forwarded to British Burma.

37. It shall not be lawful to receive any emigrant on board any vessel unless a license to carry emigrants in such vessel has been obtained from the Local Government of the port of embarkation.

No vessel to carry emigrants without a license.

The granting or withholding of any such license shall be in the discretion of the Local Government.

38. Every person obtaining a license under the last preceding section shall be bound to comply with the provisions of this Act and the rules made hereunder, so far as such provisions and rules relate to him.

Licensee bound to comply with provisions of Act and rules.

And any such person failing to comply with any of such provisions or rules shall be liable to a fine not exceeding one thousand rupees.

39. Before leaving the port of embarkation, the Emigration Agent shall furnish the master of any vessel licensed to carry emigrants with a list

List of emigrants.

specifying as accurately as may be the names, ages and occupations, and the names of the fathers of the emigrants on board, and the names of their dependents (if any);

and the master shall obtain from the Emigration Agent and the Medical Inspector of Emigrants certificates under their respective

Certificates from Emigration Agent and Medical Inspector.

hands, to the effect that they have in respect of the emigrants and dependents proceeding in such vessel done all that is hereinbefore required to be done on the part of such Emigration Agent and Medical Inspector respectively, and that, to the best of their knowledge, all the directions herein contained for ensuring the health, comfort and safety of the emigrants and dependents have been duly complied with, as well as all rules for the time being in force under section eighty-six.

40. If any emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do,

Procedure if emigrant refuses to embark.

it shall not be lawful to compel such emigrant or his dependents (if any) to embark, or to put him or them on boardship against his will, or to detain him or them against his or their will at the depôt or elsewhere; but nothing in this section shall diminish or affect the civil or criminal liabilities which such emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Explanation.—The arbitrary refusal of any such dependent to embark shall not be deemed 'sufficient cause' within the meaning of this section.

Every case in which an emigrant is charged under this section before a Magistrate of Police in a Presidency town shall be heard and determined in a summary manner; and every such emigrant shall on conviction, whether by such Police Magistrate or any other Magistrate, be punished in the manner provided in section 492 of the Indian Penal Code for the punishment of offences under that section.

41. The Emigration Agent shall, before the embarkation of any emigrant, ascertain that he has in his possession the instrument mentioned in section eighteen.

Procedure as to emigrant's instrument.

If it appear to the satisfaction of the Emigration Agent that any emigrant has lost such copy, the Agent may furnish him with another copy of such instrument to be made from the copy forwarded by the Magistrate under section eighteen, and shall thereupon allow such emigrant to embark.

42. The offices of Emigration Agent and of Medical Inspector of Emigrants may be held by the same person; but in such case he shall perform only such of the duties hereinbefore prescribed for the two offices as are necessary for carrying out in substance the provisions of this Part.

Provision for offices of Emigration Agent and Medical Inspector being held by the same person.

PART III.

DEBARKATION AND TRANSIT TO DISTRICTS OF LABOUR.

Officers and Depôts at ports of debarkation.

43. The Chief Commissioner shall, at each port of debarkation, appoint an Immigration Agent and a Medical Inspector of Immigrants, and shall, by notification in the *British Burma Gazette*, define the

Immigration Agent and Medical Inspector of Immigrants.

local limits within which every such Agent and Inspector shall exercise the powers conferred upon him by this Act. Such Agent and Inspector may be suspended or removed at the pleasure of the Chief Commissioner.

44. At every such port the Immigration Agent shall establish a suitable dépôt for immigrants under this Act, and provide them and their dependents (if any) with proper and sufficient lodging, food, clothing and medical attendance in such dépôt until they are despatched to the place of labour.

Such dépôt shall be at all times open to the inspection of the Medical Inspector of Immigrants.

Procedure on arrival of Vessel carrying Immigrants.

45. Upon the arrival at any port of debarkation of any vessel carrying immigrants, the Master of such vessel shall at once report his arrival to the Immigration Agent, and no immigrant on board shall be allowed to land without the permission of such Agent first obtained.

Any Master of a vessel who allows any immigrant to land without such permission may be punished by a fine which may extend to fifty rupees for each person so landed.

46. Upon receipt of the report of arrival of any vessel carrying immigrants, the Immigration Agent or such other officer as he deposes in this behalf, shall forthwith go on board such vessel and satisfy himself that the vessel has on board its proper list of immigrants, and shall compare the immigrants on board with the list.

The Medical Inspector shall also, as soon as may be, examine the immigrants, in order to ascertain whether any of them are suffering from contagious or infectious disease.

Any immigrant suffering under any such disease may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

47. The Immigration Agent may if he thinks fit, and shall on complaint made by any of the immigrants, inquire into the treatment of the immigrants during the voyage, and submit a report thereon to the Chief Commissioner.

Assignment of Immigrants.

48. The Chief Commissioner may from time to time make rules consistent with this Act regulating—

- (a) applications to the Immigration Agent by persons desiring to employ immigrants,
- (b) the terms on which the Agent shall assign immigrants to such persons respectively,
- (c) the terms on which immigrants shall be allowed to labour on their own account,
- (d) the mode in and terms on which immigrants contracting to serve a particular employer shall be sent to their place of labour.

All such rules shall be published in the *British Burma Gazette*.

49. In assigning immigrants to particular employers, the Immigration Agent shall take care that they are not separated from their dependents.

50. The assignment may be made in such form as the Chief Commissioner shall by rule direct, and the Immigration Agent shall send each employer a copy authenticated by himself of the entry forwarded to him by the Emigration Agent under section thirty-two.

Such copy is hereinafter called "the employer's instrument."

51. The Immigration Agent shall endorse on the instrument of every immigrant assigned under section fifty an entry showing—

- (a) the name and residence of his employer, and
- (b) the period for which the immigrant is so assigned.

PART IV.

THE LABOUR DISTRICTS AND RELATIONS OF EMPLOYER AND IMMIGRANT.

Inspectors of Immigrants.

52. The Chief Commissioner may appoint so many Inspectors and Assistant Inspectors of Immigrants as he thinks proper, and may from time to time define, by notification in the *British Burma Gazette*, the local limits within which each such Inspector and Assistant Inspector shall exercise and perform the powers and duties conferred and imposed on him by this Act.

The Chief Commissioner may confer all or any of the powers of a Magistrate on such Inspectors and Assistant Inspectors; and they shall be public servants within the meaning of the Indian Penal Code.

53. Every employer of immigrants under this Act shall, on such days and in such mode as may from time to time be prescribed by rule, under section eighty-seven, make out in writing, and deliver to the Inspector of Immigrants, a return of the number of immigrants so employed by him and their dependents (if any), and a return of the sickness and mortality among them during the preceding six months.

54. Any employer refusing, or wilfully omitting, to send in any such return as mentioned in the last preceding section, or knowingly sending in an incorrect return, shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees;

and a certificate under the hand of the Inspector or to whom such return ought to have been sent, stating that such return has not been received, or is incorrect as aforesaid, shall be received as *prima facie* evidence of the truth of such statement.

55. Every Inspector of Immigrants shall, so often as may be directed by the Chief Commissioner, visit all lands and houses within the limits of his authority on or in which any immigrant is employed, and inspect every building or place in any

way used by or for any such immigrants, or in or on which any such immigrants are employed and investigate the condition of such immigrants; and for such purpose the Inspector may require that any immigrant shall be produced before him with all papers relating to his contract under this Act, and may make such enquiries as may to him seem proper.

56. Any Magistrate exercising jurisdiction
Power to inspect buildings, &c., and make enquiries as to immigrants. in the district, and any person authorized by him in writing in this behalf may at any time—

(a) enter and inspect any building or place wholly or partially used by or for immigrants,

(b) require that any immigrant or dependent be brought before him, and

(c) make any enquiries which he thinks proper touching the condition or treatment of any immigrant or dependent.

57. Any employer, and any person acting
Penalty on person obstructing inspection, &c. under his orders or on his behalf, who wilfully obstructs or impedes any visit, entry, inspection or enquiry under section fifty-five or section fifty-six, shall be liable for every such offence to a fine which may extend to five hundred rupees.

Suspension or Cancellation of Assignment.

58. The Inspector of Immigrants, within the
Inspector may suspend assignment of any immigrant temporarily unfit for labour. local limits of whose authority any immigrant is employed, may suspend, for such period as he thinks fit, the assignment of such immigrant, or any particular term of his contract under this Act, if he be in the judgment of the Inspector temporarily incapacitated for the performance thereof by reason of sickness, or other sufficient cause:

Provided that every such immigrant shall, during such incapacity, receive from his employer such subsistence money not exceeding his wages as the Inspector thinks sufficient.

59. If any immigrant is compelled to perform
Penalty for compelling immigrant to perform work for which he is unfit. any species of labour for which he is at the time manifestly unfit, or which is at variance with the terms of his assignment, the person so compelling him shall, on conviction by a Magistrate, be liable to a fine not exceeding one hundred rupees.

60. If, in the opinion of the Inspector of Im-
Power to discharge immigrants permanently unfit for labour. migrants, any immigrant is permanently incapacitated for the performance of his contract, according to the terms of his assignment, the Inspector shall certify to that effect in writing, and deliver such certificate to the employer of such immigrant, or to his manager or agent, and from the date of such delivery the assignment of such immigrant shall be wholly vacated.

The Inspector shall report every such case to the Local Government, and the Local Government shall either provide for the employment and support of the immigrant and his dependents, or return them to the place at which they were registered.

Provisions for the health and comfort of Immigrants.

61. Every employer of immigrants shall be
Sufficient house-accommodation, &c., to be provided. bound to provide for them sufficient and proper house accommodation, water-supply and sanitary arrangements, and such food as the Chief Commissioner may from time to time direct.

62. Any Inspector or Assistant Inspector who
Powers of Inspector as to house-accommodation, &c. is himself a Magistrate, may institute within the local limits of his jurisdiction, a local enquiry whether any employer has provided for his immigrants sufficient and proper house-accommodation, water-supply, sanitary arrangements or food.

At the instance of any Inspector or Assistant Inspector, a similar enquiry may be made by any Magistrate.

Every such enquiry shall be dealt with and conducted as an enquiry by a Magistrate under the Code of Criminal Procedure.

63. Any person disobeying rules passed under
Penalty for breach of rules as to house-accommodation. section eighty-seven, clause (c), shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may order compliance with such rules by the person bound to obey the same within a reasonable time to be fixed in the order.

If such person wilfully omits to comply with such order, he shall be liable to a fine not exceeding fifty rupees a day for every day that such omission continues.

If such person is an agent and fails to pay the fine, such fine shall be charged on the employer's land and shall be recoverable in the manner provided by section ninety-one.

64. Wherever such hospital accommodation or
Penalty for breach of rules as to hospital. medical charge, as required by rules made under section eighty-seven, or medicines of such quality and kind, and according to such scale as aforesaid, have not been provided, the employer or other person wilfully neglecting to provide the same shall be liable to a fine not exceeding one hundred rupees for every week during which any such default continues.

Complaints against Immigrants.

65. Any immigrant who voluntarily and with-
Penalty on immigrant absenting himself without sufficient cause. out reasonable cause absents himself from his employer's service,

or without reasonable cause neglects or refuses to labour as required by his employer or according to the terms of his contract,

may, on conviction by a Magistrate, be sentenced to lose all claim to wages or allowances during such absence, neglect or refusal, and also to forfeit to his employer a sum not exceeding eight annas for each day during which such absence, neglect or refusal has continued; and in case such absence, neglect or refusal has exceeded seven days, or in case such immigrant has been already convicted of the same offence within a period of three months, he may be further sentenced at the request of the employer to imprisonment for fourteen days.

Explanation.—Ill-treatment of such immigrant by his employer, or the neglect of the employer to fulfil any condition of the contract, may be 'reasonable cause' within the meaning of this section.

66. If any immigrant deserts or attempts to desert from his employer's service, such employer or any other person acting in his behalf may, without warrant, and without the assistance of any police officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such immigrant wherever he may be found:

Provided that if he be found in the service of another employer, he shall not be arrested without a warrant.

Proviso.

The employer or other person apprehending an immigrant under this section shall, within a reasonable time after such apprehension, give him in charge at the nearest police station, and there enter the charge upon which he has been apprehended.

67. Any immigrant so given in charge shall be conveyed, without delay, to the nearest Magistrate having jurisdiction.

If the place from which such immigrant is charged with having deserted be within the jurisdiction of such Magistrate, he shall himself adjudicate upon the charge; but if not, he shall forward the said immigrant, under custody, to the Magistrate within the local limits of whose jurisdiction such place is situate, who shall adjudicate upon such charge.

68. Every immigrant deserting from his employer's service shall be liable to imprisonment which may extend to one month.

Punishment for desertion.

Every immigrant who after having been so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to two months.

Every immigrant who after having been twice so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to three months.

69. Whenever any immigrant has actually suffered imprisonment amounting in the whole to six months for desertion or unlawful absence from his employer's service, the Inspector shall, if the employer so desire, cancel the assignment of such immigrant by endorsement on the immigrant's instrument, or, if that is not forthcoming, by any writing under his hand.

70. All the provisions of this Act regarding the desertion or unlawful absence of immigrants shall apply to immigrants who desert from any Government depôt, or while in transit to the district in which they are assigned to labour;

and such immigrants may be tried either in such district or in the district in which they may be apprehended.

71. Whoever knowingly and wilfully entices

away, harbours, or employs, or attempts to entice from his employment or from any depôt any immigrant before he has been lawfully released

from his contract, shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may award to the employer of such immigrant the whole or any portion of such fine.

72. The employer, or any person authorized to act for the employer, of any immigrant sentenced to imprisonment for any offence under this Act, may apply to the Magistrate, at any time before the expiry of such sentence, that such immigrant be made over to him for the purpose of completing his term of labour;

and the Magistrate may, if he see good cause, make over such immigrant to his employer, and in that case the Magistrate shall cancel the remainder of the sentence passed on the immigrant, and shall endorse on his instrument, or, if such instrument is not forthcoming, shall give him, a memorandum of such cancellation.

73. When any immigrant has been sentenced to imprisonment for any offence under this Act, the Magistrate shall (subject to the provisions of section sixty-nine) make over such immigrant on the termination of his imprisonment to any person appointed on the part of his employer to receive charge of him;

and no conviction under this Act, or imprisonment under such conviction, shall, save as aforesaid, operate as a release to any immigrant from the terms of his contract:

Conviction not to operate as a release.

The period of imprisonment shall in no case be prolonged by reason of there being no person present on the part of the employer to take charge of the immigrant at the expiry of his sentence; but such immigrant shall, in that case, be sent to the place, or principal place of business, of such employer, and the expense of so sending him shall be levied from the employer in the manner provided by section ninety-one.

74. The duration of every unlawful absence from labour, of which any immigrant may be convicted, and every period of imprisonment for any offence under this Act, shall, on the request of the employer, be endorsed by the convicting Magistrate on the employer's instrument,

and no such period of imprisonment or unlawful absence so endorsed shall be reckoned as part of the term for which the immigrant is bound to serve, but such term shall extend to such further period as is equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Complaints against employers.

75. If any immigrant states to his employer, or to any person acting for such employer, that he desires to make a complaint to the Inspector of Immigrants of personal ill-usage or breach of any provision of this Act on the part

of such employer or other person, the person to whom such statement has been made shall, within forty-eight hours, send notice thereof in writing to the Inspector, and in default of so doing, such person shall be liable to a fine not exceeding one hundred rupees.

76. Whenever any Inspector of Immigrants receives such notice in writing as aforesaid, or has other reasonable grounds for believing that any immigrant within the local limits of his jurisdiction has been injured by personal ill-usage or breach of any provision of this Act as aforesaid, he shall, so soon as conveniently may be, make full enquiry into the matter complained of.

77. If, upon such enquiry, the Inspector finds that the complaint is untrue or frivolous or vexatious, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his finding respecting it, and shall dismiss the complaint;

and in such case shall endorse on the employer's instrument the number of days during which the complainant has been absent from work in consequence of such enquiry,

and such number of days shall be added to the period for which the complainant had contracted to serve,

and every such endorsement shall be conclusive evidence that such immigrant has absented himself from his labour without sufficient cause during the number of days so endorsed.

When the complaint is frivolous and vexatious, the complainant shall be liable on conviction before a Magistrate to a fine not exceeding five rupees.

78. If, upon enquiry as aforesaid, the Inspector is of opinion that the complaint is well founded, he shall, if a Magistrate, dispose of the case in due course of law.

If the Inspector is not a Magistrate, he shall without delay send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon dispose of the case in due course of law.

79. If, upon the complaint of any immigrant, it is proved to the satisfaction of the Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of his wages for two months, such Magistrate may award to the complainant the amount which appears to be then due to him; and also, by way of compensation, such

further sum, not exceeding that amount, as appears to the Magistrate to be just; and in case of default, the entire sum shall be recovered in manner provided by section ninety-one, and shall be paid to the complainant.

80. If any employer, or any person placed in authority over any immigrant by such employer, is convicted of any offence causing injury to the person or property of such immigrant and triable under the Code of Criminal Procedure by the Court of Session;

or if any such employer, or other person as aforesaid, is twice convicted of any such offence against such immigrant triable under the said Code by a Magistrate;

or if it be proved before a Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of such wages for three months;

or if a Magistrate, on the report of the Inspector, and after due enquiry in the presence of the parties, is satisfied that any immigrant has been subjected to ill-usage by such employer or any other person placed in authority over the immigrant by such employer, or has been compelled by such employer or person to perform any labour when known to such employer or person to be unfit for it,

the Magistrate may, if he think fit, on the application of the immigrant, in each of such cases, cancel the assignment of such immigrant, and award to him, in addition to the wages (if any) due for service performed, compensation not exceeding thirty rupees.

Every such cancelment shall be certified by the Magistrate on the back of the immigrant's instrument, or if such instrument be not forthcoming, by writing under the Magistrate's hand delivered to the immigrant.

The compensation may be recovered in manner provided by section ninety-one.

Determination of Assignments and Contracts.

81. Every immigrant assigned under this Act, on completing the term of his assignment or on the avoidance of the same may appear before the Inspector or Immigration Agent, who shall, on being satisfied that the term has come to an end, make an entry to that effect on the immigrant's instrument.

82. Any employer or agent forcibly or fraudulently detaining an immigrant after the completion or avoidance of his assignment, or wilfully failing to give notice of such completion in accordance with rules prescribed under section eighty-seven, shall be liable to fine not exceeding five hundred rupees.

83. Any immigrant who is not assigned under this Act may redeem the unexpired term of his contract of service by paying to the Immigration Agent such sum of money as will repay the expense incurred by Government under this Act and chargeable to such immigrant after taking into account any repayment already made by him; and the certificate of the Immigration Agent shall be conclusive evidence of the sum so chargeable.

84. Any immigrant who is assigned under this Act, and who is desirous of redeem the unexpired term of his contract, may demand to be taken or allowed to go before the Inspector of Immigrants within the local limits of whose authority he may be employed.

The Inspector shall then inform him what is the price at which his contract may be redeemed;

and on his depositing that price in the hands of the Inspector, the Inspector shall give notice to the employer that such immigrant requires him, within one week, to show cause why such immigrant should not redeem his contract for the sum so deposited;

and if no sufficient cause be shown within that time or such enlarged time as the Inspector deems reasonable, he shall require the production of the immigrant's instrument and endorse thereon a certificate of redemption, and out of the sum in deposit the employer of such immigrant shall be paid the value of the unexpired term of assignment.

From and after the date of such endorsement the immigrant's contract shall be deemed to have determined.

The value of the unexpired term of assignment shall be such as is provided for by the terms of the assignment, or as may be fixed by any rules made under section eighty-seven, clause (g), and in force at the date of the assignment.

85. Every immigrant whose contract has been completed or otherwise determined, shall be entitled to receive forthwith from the Immigration Agent a certificate of release in such form as may from time to time be prescribed by the Chief Commissioner.

PART V.

SUBSIDIARY RULES.

86. The Local Government of every port of embarkation under this Act may from time to time make rules consistent with this Act to regulate the following matters—

- (a) the fees payable under section fourteen;
- (b) the form of notice of the arrival of emigrants at depôts;
- (c) the management and regulation of depôts;
- (d) the medical care of emigrants during their residence at the depôts and during transport;
- (e) the clothing to be supplied to emigrants during transport;
- (f) the mode of applying for licenses under section thirty-seven;
- (g) the survey of emigrant vessels;
- (h) the procedure on embarkation;
- (i) the space to be provided for emigrants on board ships sailing from ports of embarkation under this Act;
- (j) the provisions, fuel and water to be laden on board such vessels, and the daily allowance to be issued to each emigrant;
- (k) the medical officers, medicines and medical requirements to be on board such vessels;
- (l) the ventilation and cleanliness of vessels during the journey, the control of officers, cooks and other servants, and generally the accommodation of emigrants.

87. The Chief Commissioner may from time to time make rules consistent with this Act to regulate the following matters:—

- (a) the transport of immigrants from ports of debarkation under this Act to the places of their respective employments, their medical inspection

during such transport, their detainer at any place on the way on account of sickness, and the accommodation, support and medical treatment of immigrants so detained;

(b) the diet, clothing, medical attendance and management of immigrants in transit;

(c) the hospital-accommodation, medicine and medical attendance to be provided by employers for their immigrants at the place of employment;

(d) the periodical inspection of immigrants: the books to be kept by Inspectors of Immigrants; and the returns to be made by employers of immigrants;

(e) the house-accommodation, water-supply, sanitary arrangements and supply of suitable food to be provided by employers for their immigrants;

(f) the notice to be given and forms to be observed on the termination of assignments of immigrants;

(g) the terms on which contracts and assignments of service may be redeemed;

(h) the hospital-accommodation and medical care of labourers, and the nature, quality and quantity of medical drugs and other stores to be provided for them;

(i) and generally to provide for the security, well-being, and protection of immigrants.

88. All rules made under sections eighty-six and eighty-seven shall be published—

in the case of rules made under section eighty-six, in the local official Gazette;

in the case of rules made under section eighty-seven in the *British Burma Gazette*;

and shall thereupon have the force of law.

Whoever wilfully contravenes any of the said rules, for the breach whereof no penalty is hereinbefore specially provided, may for every such offence be punished with fine which may extend to one thousand rupees, and in default of payment, with imprisonment for a term which may extend to six months.

PART VI.

MISCELLANEOUS.

89. If any employer's instrument or any immigrant's instrument be lost or destroyed, the Immigration Agent shall, on application of the employer or immigrant (as the case may be), and on payment of such fee as the Chief Commissioner may fix in this behalf, send the applicant a copy of the instrument so lost or destroyed; and for the purposes of this Act, every copy so delivered shall be deemed to be the original.

Copies made under Act to be deemed evidence of contract.

90. All copies made under this Act shall be evidence of the contracts to which they respectively relate.

91. All balances due from any employer of immigrants under the terms of the assignments made to him under this Act, may be levied by the Magistrate either by distress and

sale of any moveable property belonging to such employer, or as if they were land-revenue due on account of the land on which the immigrants assigned to such employer are placed.

If the full amount is not recovered by the means aforesaid, the Chief Commissioner may declare the assignment of immigrants to such employer to be void so far as regards all or any of such immigrants, and the labour of the immigrants whose assignment is so vacated shall be again at the disposal of the Chief Commissioner according to section thirty-five.

92. All contracts for service in British Burma under the Chief Commissioner which have heretofore been entered into shall be construed as if, after the words "Secretary of State for India," the words "in Council" were inserted.

SCHEDULE A.

(See section 10).

RECRUITER'S LICENSE.

Office of the Emigration Agent for British Burma at

A. B. is hereby licensed under the British Burma Labour Law, 1876, to act as a recruiter in the district of _____ for

the purpose of inducing and engaging persons to proceed to British Burma for the purpose of labouring for hire on behalf of the Chief Commissioner [or E. F., or as the case may be].

This license will be in force for one year only from this date.

Dated the _____ day of _____
(Sd.) C. D.,
Emigration Agent.

SCHEDULE B.

(See section 14).

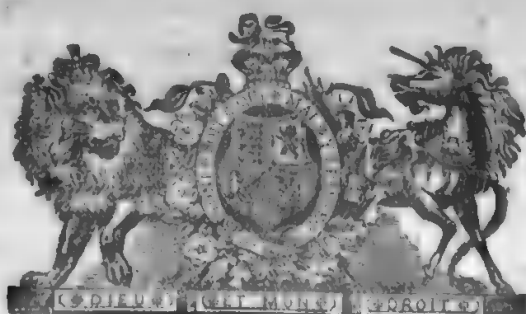
CERTIFICATE OF MEDICAL OFFICER AS TO HEALTH OF INTENDING EMIGRANT.

I hereby certify that I have this day examined A. B., and that he is, to the best of my belief and judgment, in a fit state of health, and able, in point of physical condition, to proceed to British Burma [and to work there].*

(Sd.) C. D.,
[Here add designation
of examining officer.]

* These words to be omitted in case of women and children not engaging for labour.

WHITLEY STOKES,
Secretary to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 12, 1876. { Register
No. 75.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th January 1876, and is hereby promulgated for general information :—

Act No. III of 1876.

BRITISH BURMA LABOUR LAW, 1876.

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An Act to regulate the transport of Native labourers to British Burma, and their employment therein.

WHEREAS it is expedient to regulate the transport of Native labourers to British Burma, and their employment therein under contracts of service; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The British Burma Labour Law, 1876:"

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force at once.

2. Madras Act No. V of 1866 (to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Port St. George, for labour to be performed in any part of India beyond the territorial limits of the Presidency of Madras) is repealed as to engagements hereafter made in the Presidency of Madras for labour to be performed in British Burma and as to the emigration of Natives of India from such Presidency to British Burma.

3. In this Act, unless there be something repugnant in the subject or context—

"Chief Commissioner" means the Chief Commissioner of British Burma:

"Emigrants" and "emigration" respectively mean emigrants and emigration under this Act:

"Magistrate" means a Magistrate of a district or of a division of a district, or any Magistrate deputed by the Magistrate of the district for the control of emigration or labourers, or any Magistrate of Police for a Presidency Town:

"Immigrant" means any emigrant who has gone to British Burma in accordance with a contract made under the provisions of this Act.

PART II.

OF EMIGRATION.

Emigration Agents, Medical Inspectors and Depôts.

4. At every port of embarkation the Chief Commissioner shall, with the consent of the Local Government, appoint an Emigration Agent, to whom such remuneration shall be assigned as the Government of India may from time to time direct. Such Agent may be suspended or removed at the pleasure of the Chief Commissioner.

At every such port the Local Government shall appoint a competent person to be Medical Inspector of Emigrants, and such remuneration shall be assigned to him as the Governor General in Council may from time to time direct. Such Medical Inspector may be suspended or removed at the pleasure of the Local Government.

5. Every such Emigration Agent and Medical Inspector shall be a public servant within the meaning of the Indian Penal Code.

6. In addition to the special duties hereinafter assigned to him, every such Emigration Agent shall—

- (a) protect and aid with his advice all emigrants;
 (b) cause, so far as he can, all provisions of this Act to be complied with;
 (c) inspect on arrival all vessels bringing return emigrants to the port at which he is Agent;
 (d) receive and enquire into the complaints (if any) of the treatment of such emigrants during the voyage and (if necessary) report thereon to the Local Government;
 (e) aid and advise such returned emigrants when requested by them to do so.

7. Every Emigration Agent, and all persons in charge of, or employed in, any depôt or in any vessel licensed to carry emigrants as hereinafter provided, shall give the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford him all such information as may be reasonably required by him.

8. At each port of embarkation the Emigration Agent shall establish a suitable depôt for emigrants.

Recruiters.

9. Each Emigration Agent shall license as many fit persons (whether servants of Government, of individuals or of companies) as he thinks necessary to be recruiters of labourers for British Burma.

Every recruiter shall be licensed to obtain labourers from one or more districts to be named in the license.

10. The license granted to a recruiter, under section nine, may be in the form set forth in Schedule A hereto annexed.

No license shall be in force for a longer period than one year, and in case of misconduct on the part of the recruiter the Emigration Agent may cancel his license before the expiration of the period for which it was granted.

11. A recruiter shall not be deemed to have obtained authority in any place other than a Presidency Town to engage or attempt to engage a Native of India to become an emigrant until his license has been countersigned by the Magistrate of the district or of the division of the district, or to have obtained such authority in any Presidency Town until his license has been countersigned by the Commissioner or Deputy Commissioner of Police.

12. No such officer shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any officer who has countersigned a license afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every such officer refusing to countersign a recruiter's license, or cancelling his signature, shall, without delay, report his refusal or cancellation and the grounds of it to the Emigration Agent to whose authority the recruiter is amenable.

Contracts and Registration and Journey to Depôts.

13. Any person desiring to emigrate under this Act may enter into a contract with a recruiter to proceed to British Burma and there serve for a fixed period of not more than three years from the date of his arrival at the port of debarkation.

Every such contract shall be in writing and shall specify—

- (a) The recruit's term of service:
- (b) The number of days and hours which he is to work per week:
- (c) His monthly wages in money:
- (d) The persons (if any) intending to accompany him as his dependents:
- (e) Where the contract is made on behalf of a particular employer, the name of such employer.

The monthly rate of wages shall in no case be less than seven rupees for an able-bodied male labourer.

No recruit shall be required to work more than six days in one week, or more than six consecutive hours, or more than nine hours a day. The obligation to provide on holidays for the care of animals, and the necessities of daily life, shall not be considered as work.

No deduction shall be made from the wages of a recruit on account of the rest for one day in each week.

No emigrant shall be bound by the provisions of this Act unless he has entered into a contract in accordance with this section.

14. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before the Civil Surgeon of the district or such other medical officer as the Local Government appoints in that behalf or, in default of such appointment, before such medical officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to British Burma and to work there.

If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to British Burma; and the medical officer shall examine the dependents and shall give or refuse certificates according to his opinion as to their fitness and ability.

Certificates shall be in the form set forth in Schedule B hereto annexed, and the recruiter shall pay to the medical officer such fee for each person examined as the Local Government may from time to time prescribe.

15. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district or Presidency Town within which the contract with the recruit was entered into.

16. The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract,

and if it appears that the recruit understands the nature of the contract he has entered into as regards the particulars specified in section thirteen, and that he is willing to fulfil the same, the Magistrate shall register—

- (a) the name, the father's name, and the age of such recruit:
- (b) the name of the village or place in which he resides:
- (c) the port of embarkation to which it is intended that he shall proceed:
- (d) the several particulars specified in the instrument of contract made under section thirteen.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of his contract, or has been induced to enter into it by fraud or misrepresentation, he shall refuse to register him, and record his reasons for such refusal.

17. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

If the Magistrate is satisfied as to the said dependence and willingness, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

18. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections sixteen and seventeen.

Such copy is hereinafter called "the emigrant's instrument" or the "immigrant's instrument."

Another authenticated copy of the matters so registered, together with the original certificate of the medical officer, shall be forthwith forwarded by the Magistrate to the Emigration Agent at the port of embarkation to which the emigrant is about to proceed.

For each registration of a recruit under this Act, the recruiter shall pay to the officer making it a fee of eight annas.

19. When the registration under this Act is completed, the emigrant and his dependents may be moved to the depôt at their port of embarkation.

20. The recruiter himself, or a competent person appointed by him with the approval of the Magistrate by whom such emigrants have been registered, shall accompany and take care of all emigrants and their dependents while journeying to the depôt.

The Magistrate shall give to every person so appointed a certificate under his signature, stating that he has been appointed to accompany and take care of certain emigrants during their journey to the depôt.

Every recruiter by whom any emigrant or dependent is forwarded to a depôt shall, throughout the journey, provide him with proper and sufficient food and lodging.

21. Whoever, being a duly licensed recruiter, removes for the purpose of emigration any recruit before the completion of such registration as aforesaid;

and whoever by means of intoxication, violence, fraud, false pretences or misrepresentation induces any Native of India to enter into a contract for labour to be performed in British Burma, or to proceed to or towards any seaport for the purpose of proceeding to British Burma without having entered into any contract;

and whoever wilfully neglects to supply any emigrant or dependent under his care with proper and sufficient food and lodging, or otherwise ill-treats such emigrant or dependent on his journey to the depôt;

and whoever forwards, sends or conveys any such emigrant or dependent with intent to contravene the provisions of this Act;

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Procedure on arrival of Emigrants at Depôt.

22. The Emigration Agent shall, within twenty-four hours after the arrival at the depôt of any emigrant, give to the Medical Inspector notice in writing of such arrival.

23. The copy of the matters so registered and the medical certificate of every emigrant forwarded to the Emigration Agent as provided by section eighteen, shall be shown to the Medical Inspector at the port of embarkation, and all emigrants and their dependents shall be examined by the Medical Inspector immediately after he receives notice of their arrival at the depôt.

24. The Medical Inspector of Emigrants shall also, at least once in every week, inspect the emigrants in the depôt, and examine into the state of the depôt and the manner in which the emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

25. It shall be the special duty of the Medical Inspector to take care that no emigrant or dependent is suffering from any disease calculated to be dangerous to his neighbours, and to isolate or to exclude from the depôt and from embarkation persons who are so suffering.

Any person so suffering may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

26. If the Medical Inspector has reason to think that any emigrant is in such a state of health that his journey to British Burma, or detention in the depôt, would be dangerous to himself or others, or that he is unfit for labour in British Burma, he shall so certify to the Emigration Agent; and in case any emigrant is in such a state of health as aforesaid, the Emigration Agent shall pay to such emigrant such sum as is necessary to enable him to return to the place at which he was registered:

And any emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake such journey, shall be entitled to be fed, lodged and attended to at the port of embarkation at the expense of the Emigration Agent, until he is reported by the Medical Inspector fit to undertake such journey.

27. If a dependent has accompanied such emigrant, the Emigration Agent shall pay such sum as is necessary to enable him to return to the place at which he was registered, as well as to feed and lodge him during the detention (if any) of the emigrant in the depôt.

28. If the Medical Inspector sees reason to think that any dependent is in such a state of health that his journey to British Burma or his detention in the depôt would be dangerous to himself or others, he shall so certify to the Emigration Agent;

and thereupon the emigrant to whom such dependent is attached shall be entitled, if he so wishes, to return as if he himself had been certified to be unfit to proceed under section twenty-six.

If the emigrant still desires to proceed, then the dependent shall be kept and be returned to the place at which he was registered as if he were an emigrant falling under section twenty-six.

29. If the Medical Inspector sees no reason to certify in the manner provided in section twenty-six or section twenty-eight of any emigrant or dependent, he shall countersign the copy of the emigrant's instrument which is in the possession of the Emigration Agent.

30. If, upon the arrival of any emigrant or dependent at the dépôt, it appear that he has suffered any ill-treatment, or that the recruiter has failed to provide him with proper and sufficient food and lodging during the journey to the dépôt, the Local Government or such officer as it may from time to time appoint in this behalf may order the Emigration Agent to pay him a reasonable sum by way of compensation.

31. When the copy of an emigrant's instrument has been countersigned by the Medical Inspector under section twenty-nine, the Emigration Agent shall ratify the contract into which the emigrant has entered, by countersigning the emigrant's instrument and the authenticated copy thereof forwarded to the Emigration Agent under section eighteen.

32. A copy of every such instrument shall be entered in a register to be kept by the Emigration Agent for the purpose, and a copy of such entry authenticated by himself shall be forwarded by him to the Immigration Agent at the port of debarkation.

33. Any emigrant who, without reasonable cause, refuses to produce his instrument when required by the Emigration Agent, or in any respect to comply with the terms of his contract, shall be punished with a fine equal in amount to the cost incurred in engaging, registering and conveying him to the dépôt, and in default of payment of such fine with imprisonment which may extend to two months, and such emigrant may forthwith be discharged from the dépôt.

A certificate signed by the Emigration Agent that reasonable cause for refusing to produce the emigrant's instrument has not been shown, shall be admissible as *prima facie* evidence in any proceeding taken under this section.

A certificate signed by the Emigration Agent, stating the cost incurred in engaging, registering and conveying the emigrant to the dépôt, shall be conclusive evidence of the amount of such cost.

Every fine levied under the provisions of this section shall be paid to the Emigration Agent.

34. If within thirty days after the arrival at a dépôt of any emigrant, the Emigration Agent does not offer to ratify such contract in manner aforesaid,

or if the Emigration Agent, without the consent of the Local Government, refuses to be bound by the contract made with the emigrant,

the Local Government, or such officer as it may from time to time appoint in this behalf, may order the Emigration Agent to pay to such emigrant such sum of money as is necessary to enable him, together with the dependents (if any) upon him, to return to the place where he was registered, and also to pay him a reasonable sum by way of compensation, and in such case the emigrant shall be released from his contract.

35. When the contract, not being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma, and there to labour according to the terms of his contract in any place and mode which, consistently with such terms and with the provisions of this Act, the Chief Commissioner or any officer appointed by him in that behalf may from time to time direct.

When the contract, being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma and there to labour for such employer; and such employer shall be bound to repay to the Immigration Agent all expenses incurred under this Act in respect of the immigrant and his dependents up to the time when the immigrant is delivered to his employer.

Emigrant vessels and embarkation of Emigrants.

36. When the contract of any emigrant has been duly ratified as aforesaid, he may be forwarded to British Burma, together with his registered dependents (if any).

37. It shall not be lawful to receive any emigrant on board any vessel unless a license to carry emigrants in such vessel has been obtained from the Local Government of the port of embarkation.

The granting or withholding of any such license shall be in the discretion of the Local Government.

38. Every person obtaining a license under the last preceding section shall be bound to comply with the provisions of this Act and the rules made hereunder, so far as such provisions and rules relate to him.

And any such person failing to comply with any of such provisions or rules shall be liable to a fine not exceeding one thousand rupees.

39. Before leaving the port of embarkation, the Emigration Agent shall furnish the master of any vessel licensed to carry emigrants with a list specifying as accurately as may be the names, ages and occupations, and the names of the fathers of the emigrants on board, and the names of their dependents (if any);

and the master shall obtain from the Emigration Agent and the Medical Inspector of Emigrants certificates under their respective hands, to the effect that they have in respect of the emigrants and dependents proceeding in such vessel done all that is hereinbefore required to be done on the part of such Emigration Agent and Medical Inspector respectively, and that, to the best of their knowledge, all the directions herein contained for ensuring the health, comfort and safety of the emigrants and dependents have been duly complied with, as well as all rules for the time being in force under section eighty-six.

40. If any emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such emigrant or his dependents (if any) to embark, or to put him or them on boardship against his will, or to detain him or them against his or their will at the depôt or elsewhere; but nothing in this section shall diminish or affect the civil or criminal liabilities which such emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Explanation.—The arbitrary refusal of any such dependent to embark shall not be deemed 'sufficient cause' within the meaning of this section.

Every case in which an emigrant is charged under this section before a Magistrate of Police in a Presidency town shall be heard and determined in a summary manner; and every such emigrant shall on conviction, whether by such Police Magistrate or any other Magistrate, be punished in the manner provided in section 492 of the Indian Penal Code for the punishment of offences under that section.

41. The Emigration Agent shall, before the embarkation of any emigrant, ascertain that he has in his possession the instrument mentioned in section eighteen.

If it appear to the satisfaction of the Emigration Agent that any emigrant has lost such copy, the Agent may furnish him with another copy of such instrument to be made from the copy forwarded by the Magistrate under section eighteen, and shall thereupon allow such emigrant to embark.

42. The offices of Emigration Agent and of Medical Inspector of Emigrants may be held by the same person; but in such case he shall perform only such of the duties hereinbefore prescribed for the two offices as are necessary for carrying out in substance the provisions of this Part.

PART III.

DEBARKATION AND TRANSIT TO DISTRICTS OF LABOUR.

Officers and Depôts at ports of debarkation.

43. The Chief Commissioner shall, at each port of debarkation, appoint an Immigration Agent and a Medical Inspector of Immigrants, and shall, by notification in the *British Burma Gazette*, define the local limits within which every such Agent and Inspector shall exercise the powers conferred upon

him by this Act. Such Agent and Inspector may be suspended or removed at the pleasure of the Chief Commissioner.

44. At every such port the Immigration Agent shall establish a suitable depôt for immigrants under this Act, and provide them and their dependents (if any) with proper and sufficient lodging, food, clothing and medical attendance in such depôt until they are despatched to the place of labour.

Such depôt shall be at all times open to the inspection of the Medical Inspector of Immigrants.

Procedure on arrival of Vessel carrying Immigrants.

45. Upon the arrival at any port of debarkation of any vessel carrying immigrants, the Master of such vessel shall at once report his arrival to the Immigration Agent, and no immigrant on board shall be allowed to land without the permission of such Agent first obtained.

Any Master of a vessel who allows any immigrant to land without such permission may be punished by a fine which may extend to fifty rupees for each person so landed.

46. Upon receipt of the report of arrival of any vessel carrying immigrants, the Immigration Agent or such other officer as he deposes in this behalf, shall forthwith go on board such vessel and satisfy himself that the vessel has on board its proper list of immigrants, and shall compare the immigrants on board with the list.

The Medical Inspector shall also, as soon as may be, examine the immigrants, in order to ascertain whether any of them are suffering from contagious or infectious disease.

Any immigrant suffering under any such disease may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

47. The Immigration Agent may if he thinks fit, and shall on complaint made by any of the immigrants, inquire into the treatment of the immigrants during the voyage, and submit a report thereon to the Chief Commissioner.

Assignment of Immigrants.

48. The Chief Commissioner may from time to time make rules consistent with this Act regulating—

(a) applications to the Immigration Agent by persons desiring to employ immigrants,

(b) the terms on which the Agent shall assign immigrants to such persons respectively,

(c) the terms on which immigrants shall be allowed to labour on their own account,

(d) the mode in and terms on which immigrants contracting to serve a particular employer shall be sent to their place of labour.

All such rules shall be published in the *British Burma Gazette*.

49. In assigning immigrants to particular employers, the Immigration Agent shall take care that they are not separated from their dependents.

50. The assignment may be made in such form as the Chief Commissioner shall by rule direct, and the Immigration Agent shall send each employer a copy authenticated by himself of the entry forwarded to him by the Emigration Agent under section thirty-two.

Such copy is hereinafter called "the employer's instrument."

51. The Immigration Agent shall endorse on the instrument of every immigrant assigned under section fifty an entry showing—

- (a) the name and residence of his employer, and
- (b) the period for which the immigrant is so assigned.

PART IV.

THE LABOUR DISTRICTS AND RELATIONS OF EMPLOYER AND IMMIGRANT.

Inspectors of Immigrants.

52. The Chief Commissioner may appoint so many Inspectors and Assistant Inspectors of Immigrants as he thinks proper, and may from time to time define, by notification in the *British Burma Gazette*, the local limits within which each such Inspector and Assistant Inspector shall exercise and perform the powers and duties conferred and imposed on him by this Act.

The Chief Commissioner may confer all or any of the powers of a Magistrate on such Inspectors and Assistant Inspectors; and they shall be public servants within the meaning of the Indian Penal Code.

53. Every employer of immigrants under this Act shall, on such days and in such mode as may from time to time be prescribed by rule, under section eighty-seven, make out in writing, and deliver to the Inspector of Immigrants, a return of the number of immigrants so employed by him and their dependents (if any), and a return of the sickness and mortality among them during the preceding six months.

54. Any employer refusing, or wilfully omitting, to send in any such return as mentioned in the last preceding section, or knowingly sending in an incorrect return, shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees;

and a certificate under the hand of the Inspector to whom such return ought to have been sent, stating that such return has not been received, or is incorrect as aforesaid, shall be received as *prima facie* evidence of the truth of such statement.

55. Every Inspector of Immigrants shall, so often as may be directed by the Chief Commissioner, visit all lands and houses within the limits of his authority on or in which any immigrant is employed, and inspect every building or place in any

way used by or for any such immigrants, or in or on which any such immigrants are employed and investigate the condition of such immigrants; and for such purpose the Inspector may require that any immigrant shall be produced before him with all papers relating to his contract under this Act, and may make such enquiries as may to him seem proper.

56. Any Magistrate exercising jurisdiction in the district, and any person authorized by him in writing in this behalf may at any time—

(a) enter and inspect any building or place wholly or partially used by or for immigrants,

(b) require that any immigrant or dependent be brought before him, and

(c) make any enquiries which he thinks proper touching the condition or treatment of any immigrant or dependent.

57. Any employer, and any person acting under his orders or on his behalf, who wilfully obstructs or impedes any visit, entry, inspection or enquiry under section fifty-five or section fifty-six, shall be liable for every such offence to a fine which may extend to five hundred rupees.

Suspension or Cancellation of Assignment.

58. The Inspector of Immigrants, within the local limits of whose authority any immigrant is employed, may suspend, for such period as he thinks fit, the assignment of such immigrant, or any particular term of his contract under this Act, if he be in the judgment of the Inspector temporarily incapacitated for the performance thereof by reason of sickness, or other sufficient cause:

Provided that every such immigrant shall, during such incapacity, receive from his employer such subsistence money not exceeding his wages as the Inspector thinks sufficient.

59. If any immigrant is compelled to perform any species of labour for which he is at the time manifestly unfit, or which is at variance with the terms of his assignment, the person so compelling him shall, on conviction by a Magistrate, be liable to a fine not exceeding one hundred rupees.

60. If, in the opinion of the Inspector of Immigrants, any immigrant is permanently incapacitated for the performance of his contract, according to the terms of his assignment, the Inspector shall certify to that effect in writing, and deliver such certificate to the employer of such immigrant, or to his manager or agent, and from the date of such delivery the assignment of such immigrant shall be wholly vacated.

The Inspector shall report every such case to the Local Government, and the Local Government shall either provide for the employment and support of the immigrant and his dependents, or return them to the place at which they were registered.

Provisions for the health and comfort of Immigrants.

61. Every employer of immigrants shall be bound to provide for them sufficient and proper house accommodation, water-supply and sanitary arrangements, and such food as the Chief Commissioner may from time to time direct.

62. Any Inspector or Assistant Inspector who is himself a Magistrate, may institute within the local limits of his jurisdiction, a local enquiry whether any employer has provided for his immigrants sufficient and proper house-accommodation, water-supply, sanitary arrangements or food.

At the instance of any Inspector or Assistant Inspector, a similar enquiry may be made by any Magistrate.

Every such enquiry shall be dealt with and conducted as an enquiry by a Magistrate under the Code of Criminal Procedure.

63. Any person disobeying rules passed under section eighty-seven, clause (c), shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may order compliance with such rules by the person bound to obey the same within a reasonable time to be fixed in the order.

If such person wilfully omits to comply with such order, he shall be liable to a fine not exceeding fifty rupees a day for every day that such omission continues.

If such person is an agent and fails to pay the fine, such fine shall be charged on the employer's land and shall be recoverable in the manner provided by section ninety-one.

64. Wherever such hospital accommodation or medical charge, as required by rules made under section eighty-seven, or medicines of such quality and kind, and according to such scale as aforesaid, have not been provided, the employer or other person wilfully neglecting to provide the same shall be liable to a fine not exceeding one hundred rupees for every week during which any such default continues.

Complaints against Immigrants.

65. Any immigrant who voluntarily and without reasonable cause absents himself from his employer's service,

or without reasonable cause neglects or refuses to labour as required by his employer or according to the terms of his contract,

may, on conviction by a Magistrate, be sentenced to lose all claim to wages or allowances during such absence, neglect or refusal, and also to forfeit to his employer a sum not exceeding eight annas for each day during which such absence, neglect or refusal has continued; and in case such absence, neglect or refusal has exceeded seven days, or in case such immigrant has been already convicted of the same offence within a period of three months, he may be further sentenced at the request of the employer to imprisonment for fourteen days.

Explanation.—Ill-treatment of such immigrant by his employer, or the neglect of the employer to fulfil any condition of the contract, may be 'reasonable cause' within the meaning of this section.

66. If any immigrant deserts or attempts to desert from his employer's service, such employer or any other person acting in his behalf may, without warrant, and without the assistance of any police officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such immigrant wherever he may be found:

Provided that if he be found in the service of another employer, he shall not be arrested without a warrant.

The employer or other person apprehending an immigrant under this section shall, within a reasonable time after such apprehension, give him in charge at the nearest police station, and there enter the charge upon which he has been apprehended.

67. Any immigrant so given in charge shall be conveyed, without delay, to the nearest Magistrate having jurisdiction.

If the place from which such immigrant is charged with having deserted be within the jurisdiction of such Magistrate, he shall himself adjudicate upon the charge; but if not, he shall forward the said immigrant, under custody, to the Magistrate within the local limits of whose jurisdiction such place is situate, who shall adjudicate upon such charge.

68. Every immigrant deserting from his employer's service shall be liable to imprisonment which may extend to one month.

Every immigrant who after having been so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to two months.

Every immigrant who after having been twice so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to three months.

69. Whenever any immigrant has actually suffered imprisonment amounting in the whole to six months for desertion or unlawful absence from his employer's service, the Inspector shall, if the employer so desire, cancel the assignment of such immigrant by endorsement on the immigrant's instrument, or, if that is not forthcoming, by any writing under his hand.

70. All the provisions of this Act regarding desertion or unlawful absence of immigrants shall apply to immigrants who desert from any Government depot, or while in transit to the district in which they are assigned to labour;

and such immigrants may be tried either in such district or in the district in which they may be apprehended.

71. Whoever knowingly and wilfully entices away, harbours, or employs, or attempts to entice from his employment or from any depôt any immigrant before he has been lawfully released

Penalty for enticing away, harbouring or employing immigrants under contract to another person.

from his contract, shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may award to the employer of such immigrant the whole or any portion of such fine.

72. The employer, or any person authorized to act for the employer, of any immigrant sentenced to imprisonment for any offence under this Act, may apply to the Magistrate, at any time before the expiry of such sentence, that such immigrant be made over to him for the purpose of completing his term of labour;

Portion of sentence may be cancelled if employer apply for return of immigrant.

and the Magistrate may, if he see good cause, make over such immigrant to his employer, and in that case the Magistrate shall cancel the remainder of the sentence passed on the immigrant, and shall endorse on his instrument, or, if such instrument is not forthcoming, shall give him, a memorandum of such cancellation.

73. When any immigrant has been sentenced to imprisonment for any offence under this Act, the Magistrate shall (subject to the provisions of section sixty-nine) make over such immigrant on the termination of his imprisonment to any person appointed on the part of his employer to receive charge of him;

On expiry of sentence immigrant to be made over to employer.

and no conviction under this Act, or imprisonment under such conviction, shall, save as aforesaid, operate as a release to any immigrant from the terms of his contract:

Conviction, not to operate as a release.

The period of imprisonment shall in no case be prolonged by reason of there being no person present on the part of the employer to take charge of the immigrant at the expiry of his sentence; but such immigrant shall, in that case, be sent to the place, or principal place of business, of such employer, and the expense of so sending him shall be levied from the employer in the manner provided by section ninety-one.

74. The duration of every unlawful absence from labour, of which any immigrant may be convicted, and every period of imprisonment for any offence under this Act, shall, on the request of the employer, be endorsed by the convicting Magistrate on the employer's instrument,

Time of unlawful absence and of imprisonment to be included in term of immigrant.

and no such period of imprisonment or unlawful absence so endorsed shall be reckoned as part of the term for which the immigrant is bound to serve, but such term shall extend to such further period as is equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Complaints against employers.

75. If any immigrant states to his employer, or to any person acting for such employer, that he desires to make a complaint to the Inspector of Immigrants of personal ill-usage or breach of any provision of this Act on the part

If immigrant desires to complain, employer to give notice to Inspector.

of such employer or other person, the person to whom such statement has been made shall, within forty-eight hours, send notice thereof in writing to the Inspector, and in default of so doing, such person shall be liable to a fine not exceeding one hundred rupees.

76. Whenever any Inspector of Immigrants receives such notice in writing as aforesaid, or has other reasonable grounds for believing that any immigrant within the local limits of his jurisdiction has been injured by personal ill-usage or breach of any provision of this Act as aforesaid, he shall, so soon as conveniently may be, make full enquiry into the matter complained of.

Procedure on receipt of notice of complaint.

77. If, upon such enquiry, the Inspector finds that the complaint is untrue or frivolous or vexatious, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his finding respecting it, and shall dismiss the complaint;

Procedure if complaint be untrue or frivolous.

and in such case shall endorse on the employer's instrument the number of days during which the complainant has been absent from work in consequence of such enquiry,

and such number of days shall be added to the period for which the complainant had contracted to serve,

and every such endorsement shall be conclusive evidence that such immigrant has absented himself from his labour without sufficient cause during the number of days so endorsed.

When the complaint is frivolous and vexatious, the complainant shall be liable on conviction before a Magistrate to a fine not exceeding five rupees.

78. If, upon enquiry as aforesaid, the Inspector is of opinion that the complaint is well founded, he shall, if a Magistrate, dispose of the case in due course of law.

Procedure if complaint be well founded.

If the Inspector is not a Magistrate, he shall without delay send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon dispose of the case in due course of law.

79. If, upon the complaint of any immigrant, it is proved to the satisfaction of the Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of his wages for two months, such Magistrate may award to the complainant the amount which appears to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as appears to the Magistrate to be just;

Compensation if wages are due for more than two months.

and in case of default, the entire sum shall be recovered in manner provided by section ninety-one, and shall be paid to the complainant.

80. If any employer, or any person placed in authority over any immigrant by such employer, is convicted of any offence causing injury to the person or property of such immigrant and triable under the Code of Criminal Procedure by the Court of Session;

Cancellation of assignment.

or if any such employer, or other person as aforesaid, is twice convicted of any such offence against such immigrant triable under the said Code by a Magistrate;

or if it be proved before a Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of such wages for three months;

or if a Magistrate, on the report of the Inspector, and after due enquiry in the presence of the parties, is satisfied that any immigrant has been subjected to ill-usage by such employer or any other person placed in authority over the immigrant by such employer, or has been compelled by such employer or person to perform any labour when known to such employer or person to be unfit for it,

the Magistrate may, if he think fit, on the application of the immigrant, in each of such cases, cancel the assignment of such immigrant, and award to him, in addition to the wages (if any) due for service performed, compensation not exceeding thirty rupees.

Every such cancelment shall be certified by the Magistrate on the back of the immigrant's instrument, or if such instrument be not forthcoming, by writing under the Magistrate's hand delivered to the immigrant.

The compensation may be recovered in manner provided by section ninety-one.

Determination of Assignments and Contracts.

81. Every immigrant assigned under this Act,

Immigrant who has completed his assignment may have such completion endorsed.

on completing the term of his assignment or on the avoidance of the same may appear before the Inspector or Immigration Agent, who shall, on being satisfied that the term has come to an end, make an entry to that effect on the immigrant's instrument.

82. Any employer or agent forcibly or fraudu-

Penalty for forcibly detaining immigrant after completion of assignment, or for omitting to give notice of such completion.

lently detaining an immigrant after the completion or avoidance of his assignment, or wilfully failing to give notice of such completion in accordance with rules prescribed under section eighty-seven, shall be liable to fine not exceeding five hundred rupees.

83. Any immigrant who is not assigned under this Act may redeem the

Immigrant not assigned under Act may redeem unexpired term of contract.

unexpired term of his contract of service by paying to the Immigration Agent such sum of money as will repay the expense incurred by Government under this Act and chargeable to such immigrant after taking into account any repayment already made by him; and, the certificate of the Immigration Agent shall be conclusive evidence of the sum so chargeable.

84. Any immigrant who is assigned under this

Power to redeem contract.

Act, and who is desirous to redeem the unexpired term of his contract, may demand to be taken or allowed to go before the Inspector of Immigrants within the local limits of whose authority he may be employed.

The Inspector shall then inform him what is the price at which his contract may be redeemed;

and on his depositing that price in the hands of the Inspector, the Inspector shall give notice to the employer that such immigrant requires him, within one week, to show cause why such immigrant should not redeem his contract for the sum so deposited;

and if no sufficient cause be shown within that time or such enlarged time as the Inspector deems reasonable, he shall require the production of the immigrant's instrument and endorse thereon a certificate of redemption, and out of the sum in deposit the employer of such immigrant shall be paid the value of the unexpired term of assignment.

From and after the date of such endorsement the immigrant's contract shall be deemed to have determined.

The value of the unexpired term of assignment shall be such as is provided for by the terms of the assignment, or as may be fixed by any rules made under section eighty-seven, clause (g), and in force at the date of the assignment.

85. Every immigrant whose contract has been Certificate of release completed or otherwise determined, shall be entitled to receive forthwith from the Immigration Agent a certificate of release in such form as may from time to time be prescribed by the Chief Commissioner.

PART V.

SUBSIDIARY RULES.

86. The Local Government of every port of Power of Local Gov. embarkation under this Act may from time to time make rules consistent with this Act to regulate the following matters—

- (a) the fees payable under section fourteen;
- (b) the form of notice of the arrival of emigrants at depôts;
- (c) the management and regulation of depôts;
- (d) the medical care of emigrants during their residence at the depôts and during transport;
- (e) the clothing to be supplied to emigrants during transport;
- (f) the mode of applying for licenses under section thirty-seven;
- (g) the survey of emigrant vessels;
- (h) the procedure on embarkation;
- (i) the space to be provided for emigrants on board ships sailing from ports of embarkation under this Act;
- (j) the provisions, fuel and water to be laden on board such vessels, and the daily allowance to be issued to each emigrant;
- (k) the medical officers, medicines and medical requirements to be on board such vessels;
- (l) the ventilation and cleanliness of vessels during the journey, the control of officers, cooks and other servants, and generally the accommodation of emigrants.

87. The Chief Commissioner may from time to time make rules consistent with this Act to regulate the following matters:—

(a) the transport of immigrants from ports of debarkation under this Act to the places of their respective employments, their medical inspection during such transport, their detainer at any place on the way on account of sickness, and the accommodation, support and medical treatment of immigrants so detained;

(b) the diet, clothing, medical attendance and management of immigrants in transit;

(c) the hospital-accommodation, medicine and medical attendance to be provided by employers for their immigrants at the place of employment;

(d) the periodical inspection of immigrants: the books to be kept by Inspectors of Immigrants; and the returns to be made by employers of immigrants;

(e) the house-accommodation, water-supply, sanitary arrangements and supply of suitable food to be provided by employers for their immigrants;

(f) the notice to be given and forms to be observed on the termination of assignments of immigrants;

(g) the terms on which contracts and assignments of service may be redeemed;

(h) the hospital-accommodation and medical care of labourers, and the nature, quality and quantity of medical drugs and other stores to be provided for them;

(i) and generally to provide for the security, well-being, and protection of immigrants.

88. All rules made under sections eighty-six and eighty-seven shall be published—

in the case of rules made under section eighty-six, in the local official Gazette;

in the case of rules made under section eighty-seven in the *British Burma Gazette*;

and shall thereupon have the force of law.

Whoever wilfully contravenes any of the said rules, for the breach whereof no penalty is hereinbefore specially provided, may for every such offence be punished with fine which may extend to one thousand rupees, and in default of payment, with imprisonment for a term which may extend to six months.

PART VI.

MISCELLANEOUS.

89. If any employer's instrument or any immigrant's instrument be lost or destroyed, the Immigration Agent shall, on application of the employer or immigrant (as the case may be), and on payment of such fee as the Chief Commissioner may fix in this behalf, send the applicant a copy of the instrument so lost or destroyed; and for the purposes of this Act, every copy so delivered shall be deemed to be the original.

Copies made under Act to be deemed evidence of contract.

90. All copies made under this Act shall be evidence of the contracts to which they respectively relate.

91. All balances due from any employer of immigrants under the terms of the assignments made to him under this Act, may be levied by the Magistrate either by distress and sale of any moveable property belonging to such employer, or as if they were land-revenue due on account of the land on which the immigrants assigned to such employer are placed.

If the full amount is not recovered by the means aforesaid, the Chief Commissioner may declare the assignment of immigrants to such employer to be void so far as regards all or any of such immigrants, and the labour of the immigrants whose assignment is so vacated shall be again at the disposal of the Chief Commissioner according to section thirty-five.

92. All contracts for service in British Burma under the Chief Commissioner which have heretofore been entered into shall be construed as if, after the words "Secretary of State for India," the words "in Council" were inserted.

SCHEDULE A.

(See section 10).

RECRUITER'S LICENSE.

Office of the Emigration Agent for British Burma at

A. B. is hereby licensed under the British Burma Labour Law, 1876, to act as a recruiter in the district of _____ for the purpose of inducing and engaging persons to proceed to British Burma for the purpose of labouring for hire on behalf of the Chief Commissioner [or E. F., or as the case may be].

This license will be in force for one year only from this date.

Dated the _____ day of _____

(Sd.) C. D.,

Emigration Agent.

SCHEDULE B.

(See section 14).

CERTIFICATE OF MEDICAL OFFICER AS TO HEALTH OF INTENDING EMIGRANT.

I hereby certify that I have this day examined A. B., and that he is, to the best of my belief and judgment, in a fit state of health, and able, in point of physical condition, to proceed to British Burma [and to work there].*

(Sd.) C. D.,

[Here add designation of examining officer.]

* These words to be omitted in case of women and children not engaging for labour.

WHITLEY STOKES,

Secretary to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th February 1876, and is hereby promulgated for general information:—

ACT NO. IV OF 1876.

An Act to authorise Revenue Agents to practise in certain suits in the Munsifs' Courts of the Lower Provinces of Bengal.

WHEREAS, by Act No. XX of 1865, Revenue Agents are now prohibited from practising in Civil Courts; and it is expedient to authorise them to practise in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 (to amend the procedure in

suits between Landlords and Tenants); It is hereby enacted as follows:—

1. Notwithstanding anything contained in the said Act No. XX of 1865, Revenue Agents may appear, plead and act in all persons duly admitted Munsifs' Courts in suits, and enrolled as Revenue Agents under the same Act, of 1869. in the territories subject to the Lieutenant-Governor of Bengal, may appear, plead and act in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 (to amend the procedure in suits between Landlords and Tenants), or under any other Act for the time being in force regulating the procedure in such suits.

WHITLEY STOKES,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 19, 1876. { Register
No. 75.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th February 1876, and is hereby promulgated for general information:—

ACT No. IV OF 1876.

An Act to authorise Revenue Agents to practise in certain suits in the Munsifs' Courts of the Lower Provinces of Bengal.

WHEREAS, by Act No. XX of 1865, Revenue Agents are now prohibited from practising in Civil Courts; and it is expedient to authorise them to

practise in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 (*to amend the procedure in suits between Landlords and Tenants*); It is hereby enacted as follows:—

1. Notwithstanding anything contained in the said Act No. XX of 1865, Revenue Agents may appear, plead and act in Munsifs' Courts in suits under Bengal Act VIII of 1869. All persons duly admitted and enrolled as Revenue Agents under the same Act, in the territories subject to the Lieutenant-Governor of Bengal, may appear, plead and act in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 (*to amend the procedure in suits between Landlords and Tenants*), or under any other Act for the time being in force regulating the procedure in such suits.

WHITLEY STOKES,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 26, 1876. { Register
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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th February 1876, and is hereby promulgated for general information:—

ACT No. IV OF 1876.

An Act to authorise Revenue Agents to practise in certain suits in the Munsifs' Courts of the Lower Provinces of Bengal.

WHEREAS, by Act No. XX of 1865, Revenue Agents are now prohibited from practising in Civil Courts; and it is expedient to authorise them to

practise in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 (*to amend the procedure in suits between Landlords and Tenants*); It is hereby enacted as follows:—

1. Notwithstanding anything contained in the said Act No. XX of 1865, all persons duly admitted and enrolled as Revenue Agents under the same Act, in the territories subject to the Lieutenant-Governor of Bengal, may appear, plead and act in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 (*to amend the procedure in suits between Landlords and Tenants*), or under any other Act for the time being in force regulating the procedure in such suits.

WHITLEY STOKES,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 4, 1876.

{ Register
No. 75.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th February 1876, and is hereby promulgated for general information :—

ACT No. V of 1876.

THE REFORMATORY SCHOOLS ACT, 1876.

CONTENTS.

Preamble.

I.—Preliminary.

SECTION.

1. Short title.
Local extent.
Commencement.
2. Section 318 of Code of Criminal Procedure repealed.
3. Interpretation-clause.

II.—Reformatory Schools.

4. Power to establish and discontinue Reformatory Schools.
5. Requisites of schools.
6. Inspection of schools.
7. Power of Courts to direct youthful offenders to be sent to Reformatories.
8. Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.
“Magistrate” defined.
9. Government to determine Reformatory to which such offenders shall be sent.
10. Boys above eighteen not to be detained in school.

SECTION.

11. Discharge or removal by order of Government.

III.—Management of Reformatory Schools.

12. Appointment of Superintendent and Committee of Visitors or Board of Management.
13. Superintendent may license youthful offenders to employers of labour.
14. Cancellation of license.
If complaint of employers just, no fresh license until expiry of twelve months.
15. Determination of license.
16. Cancellation of license in case of ill-treatment.
17. Superintendent to be deemed guardian of youthful offenders.
Power to apprentice youthful offender.
18. Duties of Committee of Visitors.
19. Powers of Board of Management.
20. Power to appoint trustees or other managers of a school to be a Board of Management.
21. Power of Board to make rules.
22. Power of Government of India to make rules.

IV.—Offences in relation to Reformatory Schools.

23. Penalty for abetting escape of youthful offender.
24. Arrest of escaped youthful offenders.

An Act to provide Reformatory Schools.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders; It is hereby enacted as follows :—

I.—Preliminary.

1. This Act may be called “The Reformatory Schools Act, 1876”:
Short title.
Local extent.
It extends to the whole of British India;

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf.

Commencement.

Section 318 of Code of Criminal Procedure repealed.

2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein.

Interpretation-clause.

3. In this Act—
“Youthful offender” means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation:

“Inspector General” includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

II.—Reformatory Schools.

Power to establish and discontinue Reformatory Schools.

4. With the previous sanction of the Governor General in Council, the Local Government may—

- establish Reformatory Schools at such places as it thinks fit,
- use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,
- direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

5. Every school so established or used must provide—

- sufficient means of separating the inmates at night;
- proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;
- the means of giving such offenders industrial training;
- an infirmary or proper place for the reception of such offenders when sick.

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if he reports that the requirements of section five have been complied with and that in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

7. Whenever any youthful offender is sentenced to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, the Court may direct that,

instead of undergoing his sentence, he shall be sent to a Reformatory School, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (a) the High Court, (b) the Court of Session, (c) a Magistrate of the first class, and (d) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras and Bombay.

8. Whenever any youthful offender under the age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined may bring him before the Magistrate within whose jurisdiction such Jail is situate; and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.

In this section “Magistrate” means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

9. Every youthful offender so directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

10. Nothing contained in section seven, eight or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

Discharge or removal by order of Government.

11. The Local Government may at any time order any youthful offender—

- to be discharged from a Reformatory School;
- if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the Local Government thinks fit; or
- to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of his detention in a Reformatory School shall not be increased by such removal.

III.—Management of Reformatory Schools.

12. For the control and management of every Reformatory School, the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

Appointment of Superintendent and Committee of Visitors or Board of Management.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

13. Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation or calling.

The license shall be in force for three months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

14. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

15. If during the term of the license the employer named therein die, or cease from business, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

16. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

17. The Superintendent of any Reformatory School shall be deemed guardian of every youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*),

and if it appear to the Superintendent that any such offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such offender in the School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(a) visit the school, to hear complaints and see that the requirements of section five have been complied with, and that the management of the school is proper in all respects,

(b) examine the punishment-book,

(c) bring any special cases to the notice of the Inspector General, and

(d) see that no person is illegally detained in the school.

19. If in exercise of the power conferred by section twelve, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections thirteen to seventeen, both inclusive; and the license mentioned in section thirteen may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

20. The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section four, clause (b), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

- (a) the conduct of business of the Board,
- (b) the management of the school,
- (c) the education and industrial training of youthful offenders,
- (d) visits to and communication with youthful offenders,
- (e) punishments for offences committed by youthful offenders,
- (f) the granting of licenses for employment of youthful offenders.

In the absence of a Board of Management, the Local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (b), (c), (d), (e) and (f) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

22. The Governor General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the *Gazette of India*.

IV.—Offences in relation to Reformatory Schools.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

WHITLEY STOKES,
Secy. to the Govt. of India.



The Gazette of India.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th February 1876, and is hereby promulgated for general information:—

Act No. V of 1876.

THE REFORMATORY SCHOOLS ACT, 1876.

CONTENTS.

Preamble.

I.—Preliminary.

SECTION.

1. Short title.
Local extent.
Commencement.
2. Section 318 of Code of Criminal Procedure repealed.
3. Interpretation-clause.

II.—Reformatory Schools.

4. Power to establish and discontinue Reformatory Schools.
5. Requisites of schools.
6. Inspection of schools.
7. Power of Courts to direct youthful offenders to be sent to Reformatories.
8. Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.
"Magistrate" defined.
9. Government to determine Reformatory to which such offenders shall be sent.
10. Boys above eighteen not to be detained in school.

SECTION.

11. Discharge or removal by order of Government.

III.—Management of Reformatory Schools.

12. Appointment of Superintendent and Committee of Visitors or Board of Management.
13. Superintendent may license youthful offenders to employers of labour.
14. Cancellation of license.
If complaint of employers just, no fresh license until expiry of twelve months.
15. Determination of license.
16. Cancellation of license in case of ill-treatment.
17. Superintendent to be deemed guardian of youthful offenders.
Power to apprentice youthful offender.
18. Duties of Committee of Visitors.
19. Powers of Board of Management.
20. Power to appoint trustees or other managers of a school to be a Board of Management.
21. Power of Board to make rules.
22. Power of Government of India to make rules.

IV.—Offences in relation to Reformatory Schools.

23. Penalty for abetting escape of youthful offender.
24. Arrest of escaped youthful offenders.

An Act to provide Reformatory Schools.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Reformatory Schools Act, 1876":
Short title.
Local extent.
It extends to the whole of British India;

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf.

Section 318 of Code of Criminal Procedure repealed.

2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein.

Interpretation-clause.

3. In this Act—
“Youthful offender” means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation:

“Inspector General” includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

II.—Reformatory Schools.

Power to establish and discontinue Reformatory Schools.

4. With the previous sanction of the Governor General in Council, the Local Government may—

- (a) establish Reformatory Schools at such places as it thinks fit,
- (b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,
- (c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

5. Every school so established or used must provide—

- (a) sufficient means of separating the inmates at night;
- (b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;
- (c) the means of giving such offenders industrial training;
- (d) an infirmary or proper place for the reception of such offenders when sick.

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of

Jails, and if he reports that the requirements of section five have been complied with and that in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

7. Whenever any youthful offender is sentenced

Power of Courts to direct youthful offenders to be sent to Reformatories.

to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, the Court may direct that,

instead of undergoing his sentence, he shall be sent to a Reformatory School, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (a) the High Court, (b) the Court of Session, (c) a Magistrate of the first class, and (d) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras and Bombay.

8. Whenever any youthful offender under the

Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.

age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined may

bring him before the Magistrate within whose jurisdiction such Jail is situate; and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

In this section “Magistrate” means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

9. Every youthful offender so directed by a

Government to determine Reformatory to which such offenders shall be sent.

Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

10. Nothing contained in section seven, eight

Boys above eighteen not to be detained in a school.

or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

Discharge or removal by order of Government.

11. The Local Government may at any time order any youthful offender—

- (a) to be discharged from a Reformatory School;
- (b) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the Local Government thinks fit; or

- (c) to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of his detention in a Reformatory School shall not be increased by such removal.

III.—Management of Reformatory Schools.

12. For the control and management of every

Appointment of Superintendent and Committee of Visitors or Board of Management.

Reformatory School, the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

13. Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation or calling.

The license shall be in force for three months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

14. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

15. If during the term of the license the employer named therein die, or cease from business, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

16. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

17. The Superintendent of any Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*),

and if it appear to the Superintendent that any such offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such offender in the School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(a) visit the school, to hear complaints and see that the requirements of section five have been complied with, and that the management of the school is proper in all respects,
(b) examine the punishment-book,
(c) bring any special cases to the notice of the Inspector General, and

(d) see that no person is illegally detained in the school.

19. If in exercise of the power conferred by section twelve, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections thirteen to seventeen, both inclusive; and the license mentioned in section thirteen may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

20. The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section four, clause (b), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

(a) the conduct of business of the Board,
(b) the management of the school,
(c) the education and industrial training of youthful offenders,
(d) visits to and communication with youthful offenders,
(e) punishments for offences committed by youthful offenders,
(f) the granting of licenses for employment of youthful offenders.

In the absence of a Board of Management, the Local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (b), (c), (d), (e) and (f) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

22. The Governor General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the *Gazette of India*.

IV.—Offences in relation to Reformatory Schools.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employment of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

WHITLEY STOKES,
Secy. to the Govt. of India.



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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th February 1876, and is hereby promulgated for general information:—

ACT No. V of 1876.

THE REFORMATORY SCHOOLS ACT, 1876.

CONTENTS.

Preamble.

I.—Preliminary.

SECTION.

1. Short title.
Local extent.
Commencement.
2. Section 318 of Code of Criminal Procedure repealed.
3. Interpretation-clause.
- II.—Reformatory Schools.
4. Power to establish and discontinue Reformatory Schools.
5. Requisites of schools.
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"Magistrate" defined.
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SECTION.

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An Act to provide Reformatory Schools.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Reformatory Schools Act, 1876":
Short title.
Local extent.
It extends to the whole of British India;

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf.

Section 318 of Code of Criminal Procedure repealed.

2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein.

Interpretation-clause.

3. In this Act—

“Youthful offender” means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation:

“Inspector General” includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

“Inspector General” includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

II.—Reformatory Schools.

Power to establish and discontinue Reformatory Schools.

4. With the previous sanction of the Governor General in Council, the Local Government may—

- (a) establish Reformatory Schools at such places as it thinks fit,
- (b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,
- (c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

5. Every school so established or used must provide—

- (a) sufficient means of separating the inmates at night;
- (b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;
- (c) the means of giving such offenders industrial training;
- (d) an infirmary or proper place for the reception of such offenders when sick.

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if he reports that the requirements of section five have been complied with and that in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

7. Whenever any youthful offender is sentenced to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced, (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, the Court may direct that,

Power of Courts to direct youthful offenders to be sent to Reformatories.

instead of undergoing his sentence, he shall be sent to a Reformatory School, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (a) the High Court, (b) the Court of Session, (c) a Magistrate of the first class, and (d) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras and Bombay.

8. Whenever any youthful offender under the age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined may bring him before the Magistrate within whose jurisdiction such Jail is situate; and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.

age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined may

bring him before the Magistrate within whose jurisdiction such Jail is situate; and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

In this section “Magistrate” means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

9. Every youthful offender so directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

10. Nothing contained in section seven, eight or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

Discharge or removal by order of Government.

11. The Local Government may at any time order any youthful offender—

- (a) to be discharged from a Reformatory School;
- (b) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the Local Government thinks fit; or

(c) to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of his detention in a Reformatory School shall not be increased by such removal.

III.—Management of Reformatory Schools.

12. For the control and management of every Reformatory School, the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors or Board of Management.

Visitors, or (b) a Board of Management.

Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

13. Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation or calling.

The license shall be in force for three months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

14. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

15. If during the term of the license the employer named therein die, or cease from business, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

16. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

17. The Superintendent of any Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*),

and if it appear to the Superintendent that any such offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such offender in the School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(a) visit the school, to hear complaints and see that the requirements of section five have been complied with, and that the management of the school is proper in all respects,

(b) examine the punishment-book,

(c) bring any special cases to the notice of the Inspector General, and

(d) see that no person is illegally detained in the school.

19. If in exercise of the power conferred by section twelve, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections thirteen to seventeen, both inclusive; and the license mentioned in section thirteen may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

20. The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section four, clause (b), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

- (a) the conduct of business of the Board,
- (b) the management of the school,
- (c) the education and industrial training of youthful offenders,
- (d) visits to and communication with youthful offenders,
- (e) punishments for offences committed by youthful offenders,
- (f) the granting of licenses for employment of youthful offenders.

In the absence of a Board of Management, the Local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (b), (c), (d), (e) and (f) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

22. The Governor General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the *Gazette of India*.

IF.—Offences in relation to Reformatory Schools.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

WHITLEY STOKES, •
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th March 1876, and is hereby promulgated for general information :—

ACT No. VI of 1876.

THE CHUTIA NÁGPUR ENCUMBERED ESTATES' ACT, 1876.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTIONS.

1. Short title.

II.—VESTING ORDER.

2. Power to vest management of property in an officer appointed by Commissioner.
3. Effect of order.
 - Bar of suits.
 - Freedom from arrest.
 - Moveable property not liable to attachment for prior debts.
 - Cessation of power to alienate.
 - Immoveable property freed from attachment.
 - Cessation of power to contract.

III.—DUTIES OF MANAGER.

4. Manager to receive rents and profits, and pay therefrom
 - a the Government demand,
 - b rent due to superior landlord,
 - c annual sum for maintenance of the holder of the property and his heir,
 - d costs of repairs and improvements,
 - e costs of management, and
 - f the debts and liabilities.

IV.—SETTLEMENT OF DEBTS.

5. Notice to claimants against holder of property.
 - Notice how published.
6. Claim to contain full particulars.
 - Documents to be given up.
 - Entries in books.
 - Exclusion of documents not produced.
7. Debt not duly notified to be barred.
 - Provision for admission of claim within further period of nine months.
8. Determination of debts.
9. Power to inquire into consideration for leases.
 - Power to set aside leases.
10. Appeal to Deputy Commissioner.
 - Appeal to Commissioner.
11. Scheme for settlement of debts.
 - Power to return scheme for revision.
12. Restoration of owner to his property.
 - Restoration to be notified.
 - Revival of barred proceedings and debts.
 - Reinstatement of mortgagees.

V.—POWERS OF MANAGER.

SECTIONS.

13. Power to call for further particulars.
14. Power to summon witnesses and compel production of documents.
15. Investigation to be deemed a judicial proceeding.
 - Statements of persons examined to be evidence.
16. Manager to have powers of holder of estate.
 - Power to remove mortgagee or conditional vendee in possession.
17. Power to lease.
18. Power to raise money by mortgage or sale.
 - Manager's receipts.

VI.—MISCELLANEOUS.

19. Power to make rules.
20. Power to appoint new Managers.
21. Managers to be public servants.
22. Bar of suits.
23. Saving of jurisdiction of Courts in Chutia Nágpur in respect of certain suits.
24. Act not to affect powers conferred by Bengal Act II of 1869.

An Act to relieve certain Landholders in Chutia Nágpur.

WHEREAS it is expedient to provide for the relief of holders of land in Chutia Nágpur who may be in debt, and whose immoveable property may be subject to mortgages, charges and liens ; It is hereby enacted as follows :—

I.—PRELIMINARY.

1. This Act may be called "The Chutia Nágpur Encumbered Estates Act, 1876."

II.—VESTING ORDER.

Power to vest management of property in an officer appointed by Commissioner.

2. Whenever any holder of immoveable property,

or (when such holder is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or the person who would be heir to such holder if he died intestate,

or (when such person is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or when any such property belonging to such holder has been attached in execution of a decree of a Civil Court, the Deputy Commissioner within whose jurisdiction such property is situate,

applies in writing to the Commissioner stating that the holder of the said property is subject to, or that his said property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Commissioner may, with the previous consent of the Lieutenant-Governor of Bengal, by order published in the *Calcutta Gazette*, appoint an officer (hereinafter called the Manager), and vest in him the management of

the whole or any portion of the immoveable property of or to which the said holder is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir, during the continuance of such management.

Effect of order.
shall ensue :—

3. On such publication the following consequences
First, all proceedings which may then be pending in any Civil Court in British India, in respect of such debts or liabilities, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Freedom from arrest. *Secondly*, so long as such management continues,

the holder of the said property and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the said holder was immediately before the said publication subject, or with which the property so vested as aforesaid or any part thereof was at the time of the said publication charged, other than debts due, or liabilities incurred, to Government,

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and

Cessation of power to alienate. *Thirdly*, so long as such management continues,

(a) the holder of the said immoveable property and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

(b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government, and

(c) the holder of the same property and his heir shall be incapable of entering into any contract which may involve them, or either of them, in pecuniary liability.

III.—DUTIES OF MANAGER.

4. The Manager shall, during his management
Manager to receive of the said immoveable property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

From the sums so received, he shall pay—

First, the Government revenue, and all debts and pay therefrom the or liabilities for the time being due or incurred to Government:

Secondly, in the case of under-tenures, the rent (if any) due to the superior landlord, in respect of the said property:

Thirdly, such annual sum as appears to the annual sum for maintenance of the holder of the property and his heir, Commissioner requisite for the maintenance of the holder of the property, his heir, and their families:

Fourthly, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Commissioner:

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the holder of the property and his heir, as may be established under the provisions hereinafter contained.

IV.—SETTLEMENT OF DEBTS.

5. On the publication of the order vesting in
Notice to claimants him the management of the said property, the Manager shall publish a notice in English, Urdu and Hindi, calling upon all persons having claims against the holder of the said property to notify the same in writing to such Manager within three months from the date of the publication.

Such notice shall be published by being posted at the kachāhris in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

6. Every such claimant shall, along with his
Claim to contain full particulars. claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

7. Every debt or liability other than debts due, or liabilities incurred, to Government, (in the case of under-tenures) the rent due to the superior landlord, to which the holder of the property is subject, or with which the property is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections five and six, the Manager may admit his claim

within the further period of nine months from the expiration of the said period of three months.

8. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of all principal debts and liabilities justly due to the several creditors of the holder of the property and to persons holding mortgages, charges or liens thereon, and the interest (if any) due at the date of such determination in respect of such debts and liabilities.

9. If such property or any part thereof be in the possession of any person claiming to hold it under a lease, dated within the three years immediately preceding the publication of the order mentioned in section two, the Manager, with the sanction of the Deputy Commissioner and Commissioner (or of the Commissioner only if the Deputy Commissioner be himself the Manager) may inquire into the sufficiency of the consideration for which the lease was given, and if such consideration appear to him insufficient, may by order either set aside the lease or cause the person so in possession to pay such consideration for the said lease as the Manager thinks fit, and in default of such payment the lease shall be cancelled.

10. An appeal against any refusal, admission or determination or order under section six, seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Deputy Commissioner within whose jurisdiction the property is situate, and the decision of the Manager, if no such appeal has been so preferred, shall be final:

Provided that if the Deputy Commissioner be himself the Manager, the appeal shall lie to the Commissioner.

An appeal shall lie from any decision of the Deputy Commissioner, if preferred within six weeks of the date of his decision, to the Commissioner, and the decision of such Commissioner, or of the Deputy Commissioner if no such appeal has been so preferred, shall be final.

11. When the amount due in respect of the debts and liabilities mentioned in section eight has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Commissioner, shall be carried into effect.

Until such approval is given, the Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme.

12. When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section two, the Commissioner thinks that the provisions of this Act should

not continue to apply to the case of the holder of the said property or his heir,

such holder or his heir shall be restored to the possession and enjoyment of the property, or of such part thereof as has not been sold by the Manager under the power contained in section eighteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the holder of the property or his heir is so restored under the circumstances mentioned in the second clause of this section, such restoration shall be notified in the *Calcutta Gazette*, and thereupon the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities which the Manager has not paid off or compromised), and the debts and liabilities barred by section seven, shall be revived; and any mortgagee or conditional vendee dispossessed under section sixteen shall be reinstated, unless his claim under the mortgage or conditional sale has been satisfied;

and in calculating the periods of limitation applicable to such revived proceedings, and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section two shall be excluded.

V.—POWERS OF MANAGER.

13. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

14. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel production of documents, and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

15. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

16. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the holder of the property would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof, be in the possession of any mortgagee or conditional vendee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee or vendee preferring his claim under the provisions hereinbefore contained.

17. Subject to the rules made under section nineteen, the Manager shall have power to demise all or any part of the property under his management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

18. The Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the holder of the property is subject, or with which such property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the holder of the property and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted is raised.

And the receipt of the Manager for any monies paid to him as such, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section two.

VI.—MISCELLANEOUS.

19. The Lieutenant-Governor of Bengal may, from time to time, make rules consistent with this Act to regulate the following matters:—

(a) the security to be required from subordinate officers under this Act,

(b) the notices to be given under this Act and the publication of such notices,

(c) the procedure to be followed in determining under section eight the debts and liabilities due to creditors and other persons, and in performing the other duties imposed on any officer by this Act,

(d) the allowance of interest on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment,

(e) the order of paying debts and liabilities so determined;

and generally for the guidance of officers in all matters connected with the enforcement of this Act.

Such rules, when approved by the Governor General in Council and published in the *Calcutta Gazette*, shall have the force of law.

20. Whenever the Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the property then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

21. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

22. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

23. Nothing in this Act precludes the Courts in Chutia Nágpur having jurisdiction in suits relating to the succession to, or claims of maintenance from, any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

24. Nothing in this Act shall be deemed to take away or abridge any power or authority conferred by Bengal Act II of 1869, red by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled "an Act to ascertain, regulate and record certain tenures in Chutia Nágpur," on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the division of Chutia Nágpur.

WHITLEY STOKES,

Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 25, 1876. { Register
No. 75.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th March 1876, and is hereby promulgated for general information :—

ACT No. VI OF 1876.

THE CHUTIA NÁGPUR ENCUMBERED ESTATES' ACT, 1876.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTIONS.

1. Short title.

II.—VESTING ORDER.

2. Power to vest management of property in an officer appointed by Commissioner.
3. Effect of order.
Bar of suits.
Freedom from arrest.
Moveable property not liable to attachment for prior debts.
Cessation of power to alienate.
Immoveable property freed from attachment.
Cessation of power to contract.

III.—DUTIES OF MANAGER.

4. Manager to receive rents and profits, and pay therefrom
 - a the Government demand,
 - b rent due to superior landlord,
 - c annual sum for maintenance of holder of property and his heir,
 - d costs of repairs and improvements,

SECTIONS.

e costs of management, and
f the debts and liabilities.

IV.—SETTLEMENT OF DEBTS.

5. Notice to claimants against holder of property.
Notice how published.
6. Claim to contain full particulars.
Documents to be given up.
Entries in books.
Exclusion of documents not produced.
7. Debt not duly notified to be barred.
Provision for admission of claim within further period of nine months.
8. Determination of debts.
9. Power to inquire into consideration for leases.
Power to set aside leases.
10. Appeal to Deputy Commissioner.
Appeal to Commissioner.
11. Scheme for settlement of debts.
Power to return scheme for revision.
12. Restoration of owner to his property.
Restoration to be notified.
Revival of barred proceedings and debts.
Reinstatement of mortgagees.
Period of limitation as to revived proceedings and debts.

V.—POWERS OF MANAGER.

13. Power to call for further particulars.
14. Power to summon witnesses and compel production of documents.
15. Investigation to be deemed a judicial proceeding.
Statements of persons examined to be evidence.
16. Manager to have powers of holder of estate.
Power to remove mortgagee or conditional vendee in possession.
17. Power to lease.
18. Power to raise money by mortgage or sale.
Manager's receipts.

SECTIONS.

VI.—MISCELLANEOUS.

19. Power to make rules.
20. Power to appoint new Managers.
21. Managers to be public servants.
22. Bar of suits.
23. Saving of jurisdiction of Courts in Chutia Nágpur in respect of certain suits.
24. Act not to affect powers conferred by Bengal Act II of 1869.

An Act to relieve certain Landholders in Chutia Nágpur.

WHEREAS it is expedient to provide for the relief of holders of land in Chutia Nágpur who may be in debt, and whose immoveable property may be subject to mortgages, charges and liens ; It is hereby enacted as follows :—

I.—PRELIMINARY.

1. This Act may be called "The Chutia Nágpur Encumbered Estates Act, 1876."

Short title.

II.—VESTING ORDER.

Power to vest management of property in an officer appointed by Commissioner.

2. Whenever any holder of immoveable property,

or (when such holder is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator, or the person who would be heir to such holder if he died intestate, or (when such person is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or when any such property belonging to such holder has been attached in execution of a decree of a Civil Court, the Deputy Commissioner within whose jurisdiction such property is situate, applies in writing to the Commissioner stating that the holder of the said property is subject to, or that his said property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Commissioner may, with the previous consent of the Lieutenant-Governor of Bengal, by order published in the *Calcutta Gazette*, appoint an officer (hereinafter called the Manager), and vest in him the management of the whole or any portion of the immoveable property of or to which the said holder is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir, during the continuance of such management.

Effect of order.

3. On such publication the following consequences shall ensue :—

First, all proceedings which may then be pending in any Civil Court in British India, in respect of such debts or liabilities, shall be barred ; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void ;

Freedom from arrest.

Secondly, so long as such management continues, the holder of the said property and his heir shall not be liable to arrest for or in respect of the

debts and liabilities to which the said holder was immediately before the said publication subject, or with which the property so vested as aforesaid or any part thereof was at the time of the said publication charged, other than debts due, or liabilities incurred, to Government,

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid ; and

Cessation of power to alienate.

Thirdly, so long as such management continues,

(a) the holder of the said immoveable property and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

(b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government, and

(c) the holder of the same property and his heir shall be incapable of entering into any contract which may involve them, or either of them, in pecuniary liability.

III.—DUTIES OF MANAGER.

4. The Manager shall, during his management of the said immoveable property, receive and recover all rents and profits due in respect thereof ; and shall, upon receiving such rents and profits, give receipts for the same.

From the sums so received, he shall pay—

First, the Government revenue, and all debts and pay therefrom the Government demand, or liabilities for the time being due or incurred to Government :

Secondly, in the case of under-tenures, the rent (if any) due to the superior landlord, in respect of the said property :

Thirdly, such annual sum as appears to the annual sum for maintenance of holder of property and his heir, Commissioner requisite for the maintenance of the holder of the property, his heir, and their families :

Fourthly, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Commissioner :

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the holder of the property and his heir, as may be established under the provisions hereinafter contained.

IV.—SETTLEMENT OF DEBTS.

5. On the publication of the order vesting in him the management of the said property, the Manager shall publish a notice in English, Urdu and Hindí, calling upon all persons having claims against the holder of the said pro-

perty to notify the same in writing to such Manager within three months from the date of the publication.

Such notice shall be published by being posted at the *kacháhrís* in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

6. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

7. Every debt or liability other than debts due, or liabilities incurred, to Government or (in the case of under-tenures) the rent due to the superior landlord, to which the holder of the property is subject, or with which the property is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections five and six, the Manager may admit his claim within the further period of nine months from the expiration of the said period of three months.

8. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of all principal debts and liabilities justly due to the several creditors of the holder of the property and to persons holding mortgages, charges or liens thereon, and the interest (if any) due at the date of such determination in respect of such debts and liabilities.

9. If such property or any part thereof be in the possession of any person claiming to hold it under a lease, dated within the three years immediately preceding the publication of the order mentioned in section two, the Manager, with the sanction of the Deputy Commissioner and Commissioner (or of the Commissioner only if the Deputy Commissioner be himself the Manager), may inquire into the sufficiency of the consideration for which the lease was given, and if such consideration appear to him insufficient, may by order either set aside the lease or cause the person so in possession to pay such consideration for the said lease as the Manager

thinks fit, and in default of such payment the lease shall be cancelled.

10. An appeal against any refusal, admission, determination or order under section six, seven, eight or nine shall lie, if preferred within six weeks from the date thereof, to the Deputy Commissioner within whose jurisdiction the property is situate, and the decision of the Manager, if no such appeal has been so preferred, shall be final:

Provided that if the Deputy Commissioner be himself the Manager, the appeal shall lie to the Commissioner.

An appeal shall lie from any decision of the Deputy Commissioner, if preferred within six weeks of the date of his decision, to the Commissioner, and the decision of such Commissioner, or of the Deputy Commissioner if no such appeal has been so preferred, shall be final.

11. When the amount due in respect of the debts and liabilities mentioned in section eight has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Commissioner, shall be carried into effect.

Until such approval is given, the Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme.

12. When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section two, the Commissioner thinks that the provisions of this Act should not continue to apply to the case of the holder of the said property or his heir,

such holder or his heir shall be restored to the possession and enjoyment of the property, or of such part thereof as has not been sold by the Manager under the power contained in section eighteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the holder of the property or his heir is so restored under the circumstances mentioned in the second clause of this section, such restoration shall be notified in the *Calcutta Gazette*, and thereupon the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities which the Manager has not paid off or compromised), and the debts and liabilities barred by section seven, shall be revived; and any mortgagee or conditional vendee dispossessed under section sixteen shall be reinstated, unless his claim under the mortgage or conditional sale has been satisfied;

and in calculating the periods of limitation applicable to such revived proceedings, and to suits to recover and enforce such

Period of limitation as to revived proceedings and debts.

revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section two shall be excluded.

V.—POWERS OF MANAGER.

13. The Manager may, from time to time, Power to call for further particulars. call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

14. For the purposes of this Act, the Manager Power to summon witnesses and compel production of documents. may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

15. Every investigation conducted by the Manager Investigation to be deemed a judicial proceeding. with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

16. The Manager shall have, for the purpose Manager to have powers of holder of estate. of realizing and recovering the rents and profits of the said immoveable property, the same powers as the holder of the property would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof, be Power to remove mortgagee or conditional vendee in possession. in the possession of any mortgagee or conditional vendee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee or vendee preferring his claim under the provisions hereinbefore contained.

17. Subject to the rules made under section Power to lease. nineteen, the Manager shall have power to demise all or any part of the property under his management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

18. The Manager, with the previous assent of Power to raise money by mortgage or sale. the Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the holder of the pro-

perty is subject, or with which such property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the holder of the property and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted is raised.

And the receipt of the Manager for any monies Manager's receipts. paid to him as such, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section two.

VI.—MISCELLANEOUS.

19. The Lieutenant-Governor of Bengal may, Power to make rules. from time to time, make rules consistent with this Act to regulate the following matters:—

(a) the security to be required from subordinate officers under this Act,

(b) the notices to be given under this Act and the publication of such notices,

(c) the procedure to be followed in determining under section eight the debts and liabilities due to creditors and other persons, and in performing the other duties imposed on any officer by this Act,

(d) the allowance of interest on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment,

(e) the order of paying debts and liabilities so determined;

and generally for the guidance of officers in all matters connected with the enforcement of this Act.

Such rules, when approved by the Governor General in Council and published in the *Calcutta Gazette*, shall have the force of law.

20. Whenever the Commissioner thinks fit, he Power to appoint new Managers. may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the property then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

21. Every Manager appointed under this Act Managers to be public servants. shall be deemed a public servant within the meaning of the Indian Penal Code.

22. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

23. Nothing in this Act precludes the Courts in Chutia Nâgpur having jurisdiction in suits relating to the succession to, or claims of maintenance from, any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

24. Nothing in this Act shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council entitled "an Act to ascertain, regulate and record certain tenures in Chutia Nâgpur," on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the division of Chutia Nâgpur.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1876, and is hereby promulgated for general information:—

ACT No. VII OF 1876.

An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal and to amend the same Act.

WHEREAS it is expedient to extend Act No. XXVII of 1871 (for the Registration of Criminal

Tribes and Eunuchs) to the Lower Provinces of Bengal and to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows:—

1. Section one of the said Act shall be read as if, after the words 'Lieutenant-Governors of,' the following word were inserted (namely), 'Bengal.'

2. Section eighteen of the said Act shall be read as if in the second clause, after the words 'persons reside,' the following words were inserted (namely), 'or the agents of such landowners or occupiers.'

Section twenty-one of the said Act shall be read as if in the first clause, after the words 'persons reside,' the following words were inserted (namely), 'or of the agent of any such owner or occupier.'

and as if in the fourth clause, after the words 'occupier of land,' the following words were inserted (namely), 'or of the agent of such owner or occupier.'

And section twenty-two of the same Act shall be read as if, after the words 'occupier of land,' the following words were inserted (namely), 'or the agent of such owner or occupier.'

WHITLEY STOKES,
Secy. to the Govt. of India.



The Gazette of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th March 1876, and is hereby promulgated for general information:—

ACT No. VI OF 1876.

THE CHUTIA NÁGPUR ENCUMBERED ESTATES' ACT, 1876.

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An Act to relieve certain Landholders in Chutia Nágpur.

WHEREAS it is expedient to provide for the relief of holders of land in Chutia Nágpur who may be in debt, and whose immoveable property may be subject to mortgages, charges and liens ; It is hereby enacted as follows :—

I.—PRELIMINARY.

1. This Act may be called "The Chutia Nágpur Encumbered Estates Act, 1876."

Short title.

II.—VESTING ORDER.

Power to vest management of property in an officer appointed by Commissioner.

2. Whenever any holder of immoveable property,

or (when such holder is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator, or the person who would be heir to such holder if he died intestate, or (when such person is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or when any such property belonging to such holder has been attached in execution of a decree of a Civil Court, the Deputy Commissioner within whose jurisdiction such property is situate, applies in writing to the Commissioner stating that the holder of the said property is subject to, or that his said property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Commissioner may, with the previous consent of the Lieutenant-Governor of Bengal, by order published in the *Calcutta Gazette*, appoint an officer (hereinafter called the Manager), and vest in him the management of the whole or any portion of the immoveable property of or to which the said holder is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir, during the continuance of such management.

Effect of order.
shall ensue :—

First, all proceedings which may then be pending in any Civil Court in British India, in respect to such debts or liabilities, shall be barred ; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void ;

Secondly, so long as such management continues,

the holder of the said property and his heir shall not be liable to arrest for or in respect of the

debts and liabilities to which the said holder was immediately before the said publication subject, or with which the property so vested as aforesaid or any part thereof was at the time of the said publication charged, other than debts due, or liabilities incurred, to Government,

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid ; and

Moveable property not liable to attachment for prior debts.

Cessation of power to alienate.

Thirdly, so long as such management continues,

(a) the holder of the said immoveable property and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

(b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government, and

(c) the holder of the same property and his heir shall be incapable of entering into any contract which may involve them, or either of them, in pecuniary liability.

III.—DUTIES OF MANAGER.

4. The Manager shall, during his management of the said immoveable property, receive and recover all rents and profits due in respect thereof ; and shall, upon receiving such rents and profits, give receipts for the same.

From the sums so received, he shall pay—

First, the Government revenue, and all debts and pay therefrom the Government demand, or liabilities for the time being due or incurred to Government :

Secondly, in the case of under-tenures, the rent (if any) due to the superior landlord, in respect of the said property :

Thirdly, such annual sum as appears to the Commissioner requisite for the maintenance of the holder of the property, his heir and their families :

Fourthly, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Commissioner :

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the holder of the property and his heir, as may be established under the provisions hereinafter contained.

IV.—SETTLEMENT OF DEBTS.

5. On the publication of the order vesting

him the management of the said property, the Manager shall publish a notice in English, Urdu and Hindí, calling upon all persons having claims against the holder of the said property.

party to notify the same in writing to such Manager within three months from the date of the publication.

Such notice shall be published by being posted at the *kacháhrís* in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

6. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

7. Every debt or liability other than debts due, or liabilities incurred, to Government or (in the case of under-tenures) the rent due to the superior landlord, to which the holder of the property is subject, or with which the property is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections five and six, the Manager may admit his claim within the further period of nine months from the expiration of the said period of three months.

8. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of all principal debts and liabilities justly due to the several creditors of the holder of the property and to persons holding mortgages, charges or liens thereon, and the interest (if any) due at the date of such determination in respect of such debts and liabilities.

9. If such property or any part thereof be in the possession of any person claiming to hold it under a lease, dated within the three years immediately preceding the publication of the order mentioned in section two, the Manager, with the sanction of the Deputy Commissioner and Commissioner (or of the Commissioner only if the Deputy Commissioner be himself the Manager), may inquire into the sufficiency of the consideration for which the lease was given, and if such consideration appear to him insufficient, may by order either set aside the lease or cause the person so in possession to pay such consideration for the said lease as the Manager

thinks fit, and in default of such payment the lease shall be cancelled.

10. An appeal against any refusal, admission, determination or order under section six, seven, eight or nine shall lie, if preferred within six weeks from the date thereof, to the Deputy Commissioner within whose jurisdiction the property is situate, and the decision of the Manager, if no such appeal has been so preferred, shall be final:

Provided that if the Deputy Commissioner be himself the Manager, the appeal shall lie to the Commissioner.

An appeal shall lie from any decision of the Deputy Commissioner, if preferred within six weeks of the date of his decision, to the Commissioner, and the decision of such Commissioner, or of the Deputy Commissioner if no such appeal has been so preferred, shall be final.

11. When the amount due in respect of the debts and liabilities mentioned in section eight has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Commissioner, shall be carried into effect.

Until such approval is given, the Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme.

12. When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section two, the Commissioner thinks that the provisions of this Act should not continue to apply to the case of the holder of the said property or his heir,

such holder or his heir shall be restored to the possession and enjoyment of the property, or of such part thereof as has not been sold by the Manager under the power contained in section eighteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the holder of the property or his heir is so restored under the circumstances mentioned in the second clause of this section,

such restoration shall be notified in the *Calcutta Gazette*, and thereupon the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities which the Manager has not paid off or compromised), and the debts and liabilities barred by section seven, shall be revived; and any mortgagee or conditional vendee dispossessed under section sixteen shall be reinstated, unless his claim under the mortgage or conditional sale has been satisfied;

and in calculating the periods of limitation applicable to such revived proceedings, and to suits to recover and enforce such

and in calculating the periods of limitation applicable to such revived proceedings, and to suits to recover and enforce such

revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section two shall be excluded.

V.—POWERS OF MANAGER.

13. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

14. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

15. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

16. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the holder of the property would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof, be in the possession of any mortgagee or conditional vendee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee or vendee preferring his claim under the provisions hereinbefore contained.

17. Subject to the rules made under section nineteen, the Manager shall have power to demise all or any part of the property under his management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

18. The Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the holder of the pro-

perty is subject, or with which such property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the holder of the property and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted is raised.

And the receipt of the Manager for any monies paid to him as such, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section two.

VI.—MISCELLANEOUS.

19. The Lieutenant-Governor of Bengal may, from time to time, make rules consistent with this Act to regulate the following matters:—

(a) the security to be required from subordinate officers under this Act,

(b) the notices to be given under this Act and the publication of such notices,

(c) the procedure to be followed in determining under section eight the debts and liabilities due to creditors and other persons, and in performing the other duties imposed on any officer by this Act,

(d) the allowance of interest on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment,

(e) the order of paying debts and liabilities so determined;

and generally for the guidance of officers in all matters connected with the enforcement of this Act.

Such rules, when approved by the Governor General in Council and published in the *Calcutta Gazette*, shall have the force of law.

20. Whenever the Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the property then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

21. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

22. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

23. Nothing in this Act precludes the Courts in Chutia Nâgpur having jurisdiction in suits relating to the succession to, or claims of maintenance from, any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

24. Nothing in this Act shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council entitled "an Act to ascertain, regulate and record certain tenures in Chutia Nâgpur," on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the division of Chutia Nâgpur.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1876, and is hereby promulgated for general information:—

ACT NO. VII OF 1876.

An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal and to amend the same Act.

WHEREAS it is expedient to extend Act No. XXVII of 1871 (*for the Registration of Criminal Tribes and Eunuchs*) to the Lower Provinces of Bengal and to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows:—

1. Section one of the said Act shall be read as if, after the words 'Lieutenant-Governors of,' the following word were inserted (namely), 'Bengal.'

2. Section eighteen of the said Act shall be read as if in the second clause, after the words 'persons reside,' the following words were inserted (namely), 'or the agents of such landowners or occupiers.'

Section twenty-one of the said Act shall be read as if in the first clause, after the words 'persons reside,' the following words were inserted (namely), 'or of the agent of any such owner or occupier.'

And as if in the fourth clause, after the words 'occupier of land,' the following words were inserted (namely), 'or of the agent of such owner or occupier.'

And section twenty-two of the same Act shall be read as if, after the words 'occupier of land,' the following words were inserted (namely), 'or the agent of such owner or occupier.'

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information:—

ACT NO VIII OF 1876.

THE NATIVE PASSENGER SHIPS
ACT, 1876.

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SCHEDULE.

An Act to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called
Short title. "The Native Passenger Ships Act, 1876."
2. It extends to the whole of British India, and applies—
Extent and applica- (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;
tion of Act.

(b) to all Native Indian subjects of Her Majesty without and beyond British India; and,

(c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.

Nothing herein contained applies—

(d) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty;

(e) to any Ship-of-War belonging to any Foreign Prince or State;

(f) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa;

(g) to any steamer not carrying as passengers more than sixty of such Natives;

(h) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.

3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

4. On and from that day the Acts specified in the Schedule hereto annexed shall be repealed.
Repeal of Acts.

But all ports, places and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act;

and the last clause of section one of Act No. II of 1860 (to amend the law relating to the Carriage of Passengers by Sea) shall be read as follows:—

"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876."

Interpretation-clause. 5. In this Act—

the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants:

the expression "ship" includes every description of vessel used in navigation not propelled by oars:
"Ship."

the expression "Master" includes every person (other than a pilot) having command or charge of a ship;
"Master."

the expression "Passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age:
"Passenger."

the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival:
"Voyage."

the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:
"Long voyage."

the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

the expression "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

CHAPTER II.

RULES FOR ALL VOYAGES.

6. No ship carrying passengers shall depart Ship to sail only from or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7. The master, owner or agent of every ship Master to give notice so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing.

Such notice shall be given not less than twenty-four hours before such time.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect herein-after mentioned.

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates.

10. The first of such certificates (hereinafter called 'certificate A') shall state that the ship is seaworthy and properly equipped, fitted and ventilated; and the number of passengers that she is capable of carrying.

11. The second of such certificates (hereinafter called 'certificate B') shall state—

(a) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch;

(b) that she has the proper complement of officers and seamen;

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;

(d) that the Master holds certificate A;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather;

(f) such other particulars (if any) as may for the time being be required for such ship under this Act.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that, if the Master of a ship produce to such officer either of the following certificates (namely)—

(a) a valid certificate granted by the Board of Trade or by any British Colonial Government;

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage:

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (a) or clause (b), to be surveyed unless, from the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

15. The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government, or of any intermediate authority which that Government may from time to time appoint in this behalf.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

CHAPTER III.

RULES FOR SHORT VOYAGES.

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel, and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section.

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.

21. When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

24. The Master shall note in writing on such last-mentioned statement, and on any additional statement to be made under the next following section, the date

and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port

at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

25. If, after the ship has departed or proceeded

on any long voyage, any passengers and touching additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers;

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section.

26. In the case of every ship sailing from any

port within British India to any port in the Red Sea, the officer whose duty it is to

grant a port-clearance for any such ship shall not grant such clearance unless and until the owner, agent, or master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

27. Every ship carrying more than thirty

passengers being Natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea,

or sailing from any port in the Red Sea to any port in British India,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

28. No bill of health shall be granted under section

twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

CHAPTER V.

PENALTIES.

29. If any ship departs or proceeds upon a

voyage from, or discharges passengers at, any port or place within British India

in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

30. Any person impeding or refusing to allow

the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

31. Any Owner or Master wilfully failing to

comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable to fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

32. Any Master failing to comply with any of

the requirements of section twenty-three or section twenty-four, as to the statement of passengers,

or wilfully making any false entry or note in or on any such statement,

or wilfully failing to obtain any such supplementary certificate as is

mentioned in section twenty, or to report deaths as required by section twenty-one,

or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-five,

shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

33. Any Master who, after having obtained any

of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate

becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

34. Any Master wilfully, and without satis-

factory excuse, omitting to supply to any passenger the allowance of food, fuel and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

35. The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health.

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master shall, for every passenger over and above the number allowed by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week: Provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Penalty for excess of number specified in certificate.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

37. If any ship bringing Native passengers from any port or place beyond British India, into any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section twenty-two, or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

38. If the Master of any ship to which this Act applies lands any passenger at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

Procedure.

39. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences.

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing

payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture and apparel.

40. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

42. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

Application of fines.

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Provided that such deposition shall not be admissible unless—

(a) it is authenticated by the signature of the Justice, Magistrate, or consular officer;

(b) it was made in the presence of the person accused, and

(c) the fact that it was so made is certified by the Justice, Magistrate, or consular officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

MISCELLANEOUS.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the officer

Information to be sent to ports of embarkation.

at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

46. The Governor General in Council may from time to time make rules as to provisions, stores, boats, &c. consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

(a) the scale on which provisions, fuel and water are to be supplied to the passengers and the quality of such provisions, fuel and water;

(b) the medical stores and other appliances and fittings for maintaining health, cleanliness and decency to be provided on board;

(c) the boats, anchors and cables to be provided on board;

(d) the instruments for purposes of navigation to be supplied;

(e) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(f) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers; and such direction shall override the

provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

SCHEDULE.

(See section 4.)

Number and year.	Title.
XXV of 1859 ...	An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII of 1870 ...	An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.
XII of 1872 ...	An Act to amend Act XII of 1870 (<i>The Native Passenger Ships Act</i>).
Madras Act II of 1862.	An Act to extend the provisions of Act XXV of 1859, entitled An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information:—

ACT No. IX OF 1876.

An Act to enable the Government of India to declare certain coins of Native States to be a legal tender in British India.

WHEREAS it is expedient to enable the Governor General in Council to declare that a tender of payment of money, if made in certain coins made for or issued by Native States, shall be a legal tender in British India; It is hereby enacted as follows:—

1. This Act may be called "The Native Coinage Act, 1876":

Short title. It extends to the whole of British India;

Local extent. And it shall come into force at once.

Commencement.

2. In this Act "Native State" means any State in India which is under the protection or political control of Her Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

Interpretation-clause.